THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET

FEDERAL REGISTER

OF THE UNITED STATES 1934

VOLUME 16 NUMBER 151

Washington, Saturday, August 4, 1951

TITLE 3—THE PRESIDENT

PROCLAMATION 2935

GIVING EFFECT TO SECTIONS 5 AND 11 OF THE TRADE AGREEMENTS EXTENSION ACT OF 1951

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS sections 5 and 11 of the Trade Agreements Extension Act of 1951 (Public Law 50, 82d Congress) provide as follows:

SEC. 5. As soon as practicable, the President shall take such action as is necessary to suspend, withdraw or prevent the application of any reduction in any rate of duty, or binding of any existing customs or excise treatment, or other concession contained in any trade agreement entered into under authority of section 350 of the Tariff Act of 1930, as amended and extended, to imports from the Union of Soviet Socialist Republics and to imports from any nation or area dominated or controlled by the foreign government or foreign organization controlling the world Communist movement.

SEC. 11. The President shall, as soon as practicable, take such measures as may be necessary to prevent the importation of ermine, fox, kolinsky, marten, mink, muskrat, and weasel furs and skins, dressed or undressed, which are the product of the Union of Soviet Socialist Republics or of Communist China.

WHEREAS an important element in determining when it may be practicable to apply these provisions to particular articles is the ability to do so consistently with the international obligations of the United States;

WHEREAS, in giving effect to the procedures available to free the United States from international obligations existing with respect to some of the nations and areas covered by the above provisions, it will not be practicable to apply such provisions to all such nations and areas at the same time;

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, acting under and by virtue of the authority vested in me by the Constitution and the statutes, including the said sections 5 and 11 of the Trade Agreements Extension Act of 1951, do proclaim:

PART I

That the application of reduced rates of duty (including rates of import tax) established pursuant to trade agreements heretofore or hereafter entered into under the authority of section 350 of the Tariff Act of 1930, as originally enacted or as amended and extended (ch. 474, 48 Stat. 943; ch. 22, 50 Stat. 24; ch. 96, 54 Stat. 107; ch. 118, 57 Stat. 125; ch. 269, 59 Stat. 410; ch. 678, 62 Stat. 1053; ch. 585, 63 Stat. 697; Public Law 50, 82d Congress), shall be suspended with respect to imports from such nations and areas referred to in section 5 as may be specified in any notification pursuant to this part of this proclamation given by the President to the Secretary of the Treasury, and published in the FEDERAL REGISTER, which are entered, or withdrawn from warehouse, for consumption on such date as may be specified for each such nation or area in the notification, or are so entered or withdrawn thereafter until such date as may be so specified in a later notification and so published for the termination of such suspension. For the purposes of this part the term "imports from such nations and areas" shall mean articles imported directly or indirectly into the United States from nations or areas specified in an effective notification, but shall not in any case include articles the growth, produce, or manufacture of any other nation or area.

PART II

That the entry, or withdrawal from warehouse, for consumption of ermine, fox, kolinsky, marten, mink, muskrat, and weasel furs and skins, dressed or undressed, shall be prohibited as to products of such nations and areas as may be specified in any notification pursuant to this part of this proclamation given by the President to the Secretary of the Treasury, and published in the FEDERAL REGISTER, on such date as may be specified for each such nation or area in the notification, and thereafter until such date as may be so specified in a later notification and so published for the termination of such prohibition.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

(Continued on p. 7637)

CONTENTS

THE PRESIDENT

Proclamation Page

Trade Agreements Extension Act of 1951; giving effect to sections 5 and 11 7635

Trade Agreement Letter

Pursuant to Proclamation giving effect to sections 5 and 11 of the Trade Agreements Extension Act of 1951 7637

EXECUTIVE AGENCIES

Agriculture Department

See Production and Marketing Administration.

Alien Property, Office of

Notices:

Vesting orders, etc.:

Certain German nationals .. 7689

Gesellschaft fuer Elektrische Unternehungen 7690

Hattori, Masakazu 7688

Imperial Japanese Government 7690

Librairie Hachette 7690

Raff, Albert Raymond, and North Philadelphia Trust Co 7689

Schafheitlin, Anna 7689

Army Department

Rules and regulations:

Army procurement procedure; miscellaneous amendments .. 7650

Civil Aeronautics Administration

Rules and regulations:

Minimum en route instrument altitudes; alterations 7641

Commerce Department

See Civil Aeronautics Administration; National Shipping Authority.

Defense Department

See Army Department.

Economic Cooperation Administration

Rules and regulations:

Commercial freight shipments: Individual relief packages ... 7650

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

CONTENTS—Continued

Economic Cooperation Administration—Continued Page

Rules and regulations—Continued
- Commercial freight shipments—Continued
  - Supplies by non-profit agencies 7650
  - Parcel post shipments of individual relief packages 7650

Economic Stabilization Agency

See Price Stabilization, Office of.

Federal Communications Commission

Notices:
- K9 Patrol by Kennedy Detective Agency and Rolfe Armored Truck Service, Inc.; hearing 7685

CONTENTS—Continued

Federal Power Commission Page

Notices:
- Hearings, etc.:
  - Natural Gas Pipeline Co. of America 7687
  - New York State Natural Gas Corp 7686
  - Southern California Gas Co., and Southern Counties Gas Co. of California 7686

Federal Security Agency

See Food and Drug Administration.

Fish and Wildlife Service

Rules and regulations:
- Alaska commercial fisheries; miscellaneous amendments 7684

Food and Drug Administration

Rules and regulations:
- Canned corn; definitions and standards of identity, quality, and fill of container 7644

Housing and Home Finance Agency

Notices:
- Delegations of authority to officials in the Housing and Home Finance Agency with respect to National Production Authority orders:
  - CMP Reg. 6 7687
  - M-4 7687

Interior Department

See Fish and Wildlife Service.

Interstate Commerce Commission

Notices:
- Applications for relief:
  - Carbon electrodes from Fostoria, Ohio, to Brooklyn and New York, N. Y., and Jersey City, N. J 7687
  - Caustic potash from Corpus Christi, Tex., to East St. Louis and Wood River, Ill. 7688

Justice Department

See Alien Property, Office of.

Maritime Administration

See National Shipping Authority.

National Production Authority

Rules and regulations:
- Iron and steel (M-1) 7678
- Lead time; required filling of orders; required converter and distribution allotment of stainless and alloy; carryover (M-1, Dir. 2) 7676
- Steel distributors; required shipments of alloy or stainless steel (M-6, Dir. 2) 7677
- Use of iron and steel, copper, and aluminum in certain consumer durable goods and related products (M-47A) 7679

National Shipping Authority

Rules and regulations:
- Coal, bulk, rates; from Hampton Roads, Baltimore or Philadelphia to:
  - Eire or Northern Ireland 7682
  - Italy (including ports on the Adriatic Sea) 7683
  - United Kingdom 7683

CONTENTS—Continued

Price Stabilization, Office of Page

Notices:
- Redelegations of authority:
  - Directors of designated District Offices, Region I (3 documents) 7685, 7686
  - Directors of District Offices, Region X (2 documents) 7686

Rules and regulations:
- Asphalt and asphalt products (CPR 66) 7670
- Beef, ceiling prices at wholesale; miscellaneous amendments (CPR 24) 7664
- Extension of effective date and related changes:
  - Food products sold in Puerto Rico (CPR 51) 7666
  - Machinery and related manufactured goods (CPR 30) 7666
- Livestock and meat, fair distribution (DR 1) 7675
- Manufacturers' General Ceiling Price Regulation:
  - Canned meat and dry sausage, sterile (CPR 22, SR 15) 7663
  - Extension of effective date for particular commodities (CPR 22, SR 12) 7661
  - Paints, varnishes, and lacquers (CPR 22, SR 6) 7660
  - Plastic products, custom molded and fabricated; pricing method (CPR 22, SR 14) 7661
  - Rubber products, postponement of price calculations (CPR 22, SR 10) 7660
- Salmon, canned, ceiling prices (CPR 65) 7668
- Soft drinks, bottled (GCPR, SR 43) 7675
- Tire mileage (CPR 64) 7666
- Tires, basic carcasses, recapped and retreaded (GCPR, SR 49) 7676

Production and Marketing Administration

Proposed rule making:
- Potatoes, Irish, grown in Massachusetts, Rhode Island, Connecticut, New Hampshire, and Vermont; proposed budget and rate of expenses 7684

Rules and regulations:
- Limitations of shipments, California and Arizona:
  - Lemons (2 documents) 7638, 7639
  - Oranges (2 documents) 7639
- Peaches, regulation of grades and sizes:
  - Mesa County, Colo. 7637
  - Utah 7638

Securities and Exchange Commission

Notices:
- Southern Natural Gas Co.; order permitting declaration to become effective 7638

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 3	Page
Chapter I (Proclamations):	
2935	7635
Chapter III (Presidential documents other than Proclamations and Executive orders):	
Letter, May 30, 1942 (see Letter, August 1, 1951).	
Letter, August 1, 1951	7637
Title 7	
Chapter IX:	
Part 920 (proposed)	7684
Part 940	7637
Part 953 (2 documents)	7638, 7639
Part 950	7638
Part 966 (2 documents)	7639
Title 14	
Chapter II:	
Part 610	7641
Title 21	
Chapter I:	
Part 51	7644
Part 52	7644
Title 22	
Chapter II:	
Part 202	7650
Part 203	7650
Part 205	7650
Title 32	
Chapter V:	
Part 590	7650
Part 591	7659
Part 592	7659
Part 596	7660
Title 32A	
Chapter III (OPS):	
CPR 22, SR 6	7660
CPR 22, SR 10	7660
CPR 22, SR 12	7661
CPR 22, SR 14	7661
CPR 22, SR 15	7663
CPR 24	7664
Title 32A—Continued	Page
Chapter III (OPS)—Continued	
CPR 30	7666
CPR 51	7666
CPR 64	7666
CPR 65	7668
CPR 66	7670
DR 1	7675
GCPR, SR 43	7675
GCPR, SR 49	7676
Chapter VI (NPA):	
M-1	7678
M-1, Dir. 2	7676
M-6, Dir. 2	7677
M-47A	7679
Chapter XVIII (NSA):	
DRO-30	7682
DRO-31	7683
DRO-32	7683
Title 50	
Chapter I:	
Part 119	7684

DONE at the City of Washington this First day of August in the year of our Lord nineteen hundred and [SEAL] fifty-one, and of the Independence of the United States of America the one hundred and seventy-sixth.

HARRY S. TRUMAN

By the President:

DEAN ACHESON,
Secretary of State.

[F. R. Doc. 51-9151; Filed, Aug. 3, 1951; 12:23 p. m.]

TRADE AGREEMENT LETTER

[PURSUANT TO PROCLAMATION GIVING EFFECT TO SECTIONS 5 AND 11 OF THE TRADE AGREEMENTS EXTENSION ACT OF 1951]

AUGUST 1, 1951.

MY DEAR MR. SECRETARY:

Pursuant to Part I of my proclamation of August 1, 1951 carrying out sections 5 and 11 of the Trade Agreements Extension Act of 1951, I hereby notify you that the suspension provided for therein shall be applicable with respect to imports from the following nations and areas which are entered, or withdrawn from warehouse, for consumption after the close of business August 31, 1951:

Albania
Any part of China which may be under Communist domination or control
Estonia
The Soviet Zone of Germany and the Soviet Sector of Berlin
Associated States of Indochina:
Any part of Cambodia, Laos, or Vietnam, which may be under Communist domination or control
Any part of Korea which may be under Communist domination or control
The Kurile Islands
Latvia
Lithuania
Outer Mongolia
Rumania
Southern Sakhalin
Tanna Tuva

Pursuant to Part II of that proclamation of August 1, 1951, I hereby notify you that the entry, or withdrawal from warehouse, for consumption of ermine, fox, kolinsky, marten, mink, muskrat, and weasel furs and skins, dressed or undressed, shall be prohibited after the close of business August 31, 1951, as to products of any part of China which may be under Communist domination or control.

My letter addressed to you on May 30, 1942, with reference to duties proclaimed in connection with trade agreements entered into under the authority of the Trade Agreements Act, shall be superseded after the close of business August 31, 1951.

Very sincerely yours,

HARRY S. TRUMAN

HON. JOHN W. SNYDER,
The Secretary of the Treasury.

[F. R. Doc. 51-9150; Filed, Aug. 3, 1951; 12:23 p. m.]

RULES AND REGULATIONS

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Peach Order 1]

PART 940—PEACHES GROWN IN THE COUNTY OF MESA IN COLORADO

REGULATION BY GRADES AND SIZES

§ 940.303 *Peach Order 1*—(a) *Findings.* (1) Pursuant to the amended marketing agreement and Order No. 40, as amended (7 CFR Part 940; 15 F. R. 5001) regulating the handling of peaches grown in the County of Mesa in the State of Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Administrative Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of such peaches, as hereinafter set forth, in accordance with the provisions of § 940.52 of the amended marketing agreement and order, will be in the public interest, and will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than August 6, 1951. A reasonable determination as to the supply of, and the demand for, such peaches must await the development of the crop and adequate information thereon was not available to the Administrative Committee until July 13, 1951; recommendation as to the need for, and the extent of, regulation of shipments of such peaches was made at the meeting of said committee on July 13, 1951, after consideration of all information then available relative to the supply and demand conditions for such peaches, at which time the recom-

mendation and supporting information was submitted to the Department, and made available to growers and handlers; necessary supplemental information was not available to the Department until July 27, 1951; in order to effectuate the declared policy of the act, the regulation of peach shipments during the present fiscal year should, insofar as practicable, be applicable to all shipments of such peaches; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., M. s. t., August 6, 1951, and ending at 12:01 a. m., M. s. t., October 15, 1951, no handler shall ship any peaches which do not meet the following minimum standards of quality and maturity:

(i) Grade at least U. S. No. 2: *Provided,* That, with respect to ripe peaches, the requirements of such grade shall not include damage, other than serious damage, caused by bruises; and

(ii) Are of a size not smaller than 2 inches in diameter: *Provided,* That any lot of peaches shall be deemed to be of a size not smaller than 2 inches in diameter (*a*) if not more than 10 percent, by count, of the peaches in such lot are smaller than 2 inches in diameter and if not more than 15 percent, by count, of the peaches contained in any individual container in such lot are smaller than 2 inches in diameter; or (b) if the peaches in such lot are shipped in peach boxes and the peaches are of a size not smaller than a size that will pack, in accordance with the specifications of a standard pack, a count of 78 peaches in a peach box, except that the tolerance for variations incident to proper packing, provided in such pack specifications, shall not permit a variation of more than 4 peaches in any such box.

(2) *Definitions.* As used in this section, "peaches," "handler," and "ship" shall have the same meaning as when used in the aforesaid amended marketing agreement and order; "U. S. No. 2," "diameter," "count," and "standard pack" shall have the same meaning as when used in the United States Standards for Peaches (7 CFR 51.312); and "peach box" shall mean a box of the following inside dimensions: 4½–5" x 11½" x 16⅛".

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 1st day of August 1951.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Branch.

[F. R. Doc. 51-9012; Filed, Aug. 3, 1951; 8:51 a. m.]

[Peach Order 1]

PART 950—PEACHES GROWN IN UTAH

REGULATION BY GRADES AND SIZES

§ 950.301 *Peach Order 1*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 50 (7 CFR Part 950) regulating the handling of peaches grown in the State of Utah, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of such peaches, as hereinafter set forth, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than August 6, 1951. A reasonable determination as to the supply of, and the demand for, such peaches must await the development of the crop and adequate information thereon was not available to the Administrative Committee until July 27, 1951; recommendation as to the need for, and the extent of, regulation of shipments of such peaches was made at the meeting of said committee on July 27, 1951, after consideration of all information then available relative to the supply and demand conditions for such peaches, at which time the recommendation and supporting information was submitted to the Department, and made available to growers and handlers; in order to effectuate the declared policy of the act, the regulation of peach shipments during the present fiscal year should, insofar as practicable, be applicable to all shipments of such peaches; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., M. s. t., August 6, 1951, and ending at 12:01 a. m., M. s. t., October 1, 1951, no handler shall ship:

(i) Any peaches which do not grade at least U. S. No. 1; and

(ii) Are of a size not smaller than 1¾ inches in diameter: *Provided,* That any lot of peaches shall be deemed to be of a size not smaller than 1¾ inches in diameter (*a*) if not more than 10 percent, by count, of the peaches in such lot are smaller than 1¾ inches in diameter and if not more than 15 percent, by count, of the peaches contained in any individual container in such lot are smaller than 1¾ inches in diameter; or (*b*) if the peaches in such lot are shipped in peach boxes (inside dimensions 4½–5" x 11½" x 16⅛") and the peaches are of a size not smaller than a size that will pack, in accordance with the specifications of a standard pack, a count of 96 peaches in a peach box, except that the tolerance for variations incident to proper packing, provided in such pack specifications, shall not permit a variation of more than 4 peaches in any such box; or (*c*) if the peaches in such lot are shipped in L. A. lugs (inside dimensions 4½–5¾" x 13½" x 16⅛") and the peaches are of a size not smaller than a size that will pack, in accordance with the specifications of a standard pack, a count of 112 peaches in an L. A. lug, except that the tolerance for variations incident to proper packing, provided in such pack specifications, shall not permit a variation of more than 4 peaches in any such L. A. lug.

(2) Definitions. As used herein, "peaches," "handler," and "ship" shall have the same meaning as when used in the aforesaid marketing agreement and order: "U. S. No. 1," "diameter," "count," and "standard pack" shall have the same meaning as when used in the United States Standards for Peaches (7 CFR 51.312).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 2d day of August 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-9112; Filed, Aug. 3, 1951; 9:39 a. m.]

[Lemon Reg. 393, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule making procedure (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient; and this amendment relieves restrictions on

the handling of lemons grown in the State of California or in the State of Arizona.

(b) *Order, as amended.* The provisions in paragraph (b) (1) (ii) of § 953.500 (Lemon Regulation 393, 16 F. R. 7382 are hereby amended to read as follows:

(ii) District 2: 600 carloads.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 2d day of August 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-9113; Filed, Aug. 3, 1951; 9:39 a. m.]

[Lemon Reg. 394]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.501 *Lemon Regulation 394*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 *et seq.*), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on August 1, 1951, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., August 5, 1951, and ending at 12:01 a. m., P. s. t., August 12, 1951, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 450 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation No. 393 (16 F. R. 7382), and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2" and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 2d day of August 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-9110; Filed, Aug. 3, 1951; 9:39 a. m.]

[Orange Reg. 382, Amdt. 1]

PART 966—ORANGES GROWN IN CALIFORNIA OR IN ARIZONA

LIMITATION OF SHIPMENTS

(a) *Findings.* (1) Pursuant to the provisions of Order No. 66 (7 CFR Part 966) regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient; and this amendment relieves restrictions on the handling of oranges grown in the State of California or in the State of Arizona.

(b) *Order, as amended.* The provisions in paragraph (b) (1) (i) (*b*) of § 966.523 (Orange Regulation 382, 16 F. R. 7383) are hereby amended to read as follows:

(i) *Valencia oranges.* * * *

(*b*) Prorate District No. 2: 1,300 carloads;

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 2d day of August 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-8941; Filed, Aug. 3, 1951; 9:38 a. m.]

[Orange Reg. 383]

PART 966—ORANGES GROWN IN CALIFORNIA OR IN ARIZONA

LIMITATION OF SHIPMENTS

§ 966.529 *Orange Regulation 383*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66, as amended (7 CFR Part 966; 14 F. R. 3614), regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said amended order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insuffici-

ent, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Orange Administrative Committee on August 2, 1951, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) Subject to the size requirements in Orange Regulation 372, as amended (7 CFR 966.518; 16 F. R. 4678, 5652), the quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning 12:01 a. m., P. s. t., August 5, 1951, and ending at 12:01 a. m., P. s. t., August 12, 1951, is hereby fixed as follows:

(i) *Valencia oranges.* (*a*) Prorate District No. 1: Unlimited movement;

(*b*) Prorate District No. 2: 1,150 carloads;

(*c*) Prorate District No. 3: Unlimited movement;

(*d*) Prorate District No. 4: Unlimited movement.

(ii) *Oranges other than Valencia oranges.* (*a*) Prorate District No. 1: No movement;

(*b*) Prorate District No. 2: No movement;

(*c*) Prorate District No. 3: No movement;

(*d*) Prorate District No. 4: No movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used herein, "handled," "handler," "varieties," "carloads," and "prorate base" shall have the same meaning as when used in the said amended order; and the terms "Prorate District No. 1," "Prorate District No. 2," "Prorate District No. 3," and "Prorate District No. 4" shall each have the same meaning as given to the respective terms in § 966.107, as amended (15 F. R. 8712), of the current rules and regulations (7 CFR 966.103 et seq., as amended (15 F. R. 8712).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 3d day of August 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m., P. d. s. t., Aug. 5, 1951, to 12:01 a. m., P. d. s. t., Aug. 12, 1951]

VALENCIA ORANGES

Prorate District No. 2

Handler	*Prorate base (percent)*
Total	100.0000
A. F. G. Alta Loma	.0717
A. F. G. Corona	.0405
A. F. G. Fullerton	.9975
A. F. G. Orange	.3592
A. F. G. Riverside	.1224
A. F. G. San Juan Capistrano	.5601
A. F. G. Santa Paula	.2862
Eadington Fruit Co., Inc	4.9953
Hazeltine Packing Co	.3091
Krinard Packing Co	.1755
Placentia Cooperative Orange Association	.6003
Placentia Pioneer Valencia Growers Association	.6400
Signal Fruit Association	.0942
Azusa Citrus Association	.4789
Covina Citrus Association	1.0680
Covina Orange Growers Association	.5262
Damerel-Allison Association	.6787
Glendora Citrus Association	.4060
Glendora Mutual Orange Association	.3322
Valencia Heights Orchard Association	.4877
Gold Buckle Association	.4266
La Verne Orange Association	.6222
Anaheim Valencia Orange Association	1.3161
Fullerton Mutual Orange Association	2.7036
La Habra Citrus Association	1.4472
Yorba Linda Citrus Association, The	1.1914
Escondido Orange Association	2.1981
Alta Loma Heights Citrus Association	.0564
Citrus Fruit Growers	.1343
Etiwanda Citrus Fruit Association	.0301
Old Baldy Citrus Association	.0877
Rialto Heights Orange Growers	.0529
Upland Citrus Association	.3618
Upland Heights Orange Association	.1224
Consolidated Orange Growers	1.9765
Frances Citrus Association	1.1175
Garden Grove Citrus Association	2.2275
Goldenwest Citrus Association	1.9024
Irvine Valencia Growers	3.5765
Olive Heights Citrus Association	2.1620
Santa Ana-Tustin Mutual Citrus Association	1.0149
Santiago Orange Growers Association	5.0871
Tustin Hills Citrus Association	1.9023
Villa Park Orchards Association	1.9137
Bradford Bros., Inc	.8618
Placentia Mutual Orange Association	3.9411
Placentia Orange Growers Association	3.5775
Yorba Orange Growers Association	1.2122
Call Ranch	.0528
Corona Citrus Association	.4118
Jameson Co	.1230
Orange Heights Orange Association	.5544
Crafton Orange Growers Association	.2488
East Highlands Citrus Association	.0568
Redlands Heights Groves	.1855

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	*Prorate base (percent)*
Redlands Orangedale Association	0.1546
Rialto-Fontana Citrus Association	.0976
Break & Son, Allen	.0433
Bryn Mawr Fruit Growers Association	.0989
Mission Citrus Association	.1384
Redlands Cooperative Fruit Association	.2452
Redlands Orange Growers Association	.1402
Redlands Select Groves	.2102
Rialto Orange Co	.1873
Southern Citrus Association	.1116
United Citrus Growers	.2067
Zilen Citrus Co	.0354
Arlington Heights Citrus Co	.1087
Brown Estate, L. V. W	.1230
Gavilan Citrus Association	.1343
Highgrove Fruit Association	.0564
McDermont Fruit Co	.1159
Monte Vista Citrus Association	.2076
National Orange Co	.0188
Riverside Citrus Association	.0223
Riverside Heights Orange Growers Association, The	.0307
Sierra Vista Packing Association	.0164
Victoria Avenue Citrus Association	.1703
Claremont Citrus Association	.1083
College Heights Orange & Lemon Association	.2540
Indian Hill Citrus Association	.2100
Pomona Fruit Growers Exchange	.3009
Walnut Fruit Growers Association	.5071
West Ontatio Citrus Association	.1736
El Cajon Valley Citrus Association	.1903
Escondido Cooperative Citrus Association	.2738
San Dimas Orange Growers Association	.3080
Sanoga Citrus Association	.6760
North Whittier Heights Citrus Association	.8526
San Fernando Heights Orange Association	.5370
Sierra Madre-Lamanda Citrus Association	.3137
Camarillo Citrus Association	1.2903
Fillmore Citrus Association	2.8963
Mupu Citrus Association	1.8213
Ojai Orange Association	.4405
Piru Citrus Association	2.0055
Rancho Sespe	.7363
Santa Paula Orange Association	.9948
Tapo Citrus Association	.5692
Ventura County Citrus Association	.3933
Limoneira Co	.5518
East Whittier Citrus Association	.3409
Murphy Ranch Co	.7613
Anaheim Cooperative Orange Association	2.0634
Bryn Mawr Mutual Orange Association	.1311
Chula Vista Mutual Lemon Association	.0829
Euclid Avenue Orange Association	.4580
Foothill Citrus Union, Inc	.1164
Fullerton Cooperative Orange Association	.3929
Garden Grove Orange Cooperative, Inc	1.2892
Golden Orange Groves, Inc	.1708
Highland Mutual Groves, Inc	.0086
Index Mutual Association	.5410
La Verne Cooperative Citrus Association	1.6243
Olive Hillside Groves, Inc	.5918
Orange Cooperative Citrus Association	1.7727
Redlands Foothill Groves	.3881
Redlands Mutual Orange Association	.1458
Ventura County Orange & Lemon Association	1.1513
Whittier Mutual Orange & Lemon Association	.1457

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Babijuice Corp. of California	0.8912
Banks, L. M.	.8019
Becker, Samuel Eugene	.0089
Bennett Fruit Co.	.0849
Borden Fruit Co.	.5256
Cappos Bros. Produce	.0069
Cherokee Citrus Co., Inc.	.1028
Chess Co., Meyer W.	.3910
Dozier, Paul M.	.0120
Dunning Ranch	.0465
Evans Bros. Packing Co.	.9781
Gold Banner Association	.1655
Granada Hills Packing Co.	.0313
Granada Packing House	.8711
Hill Packing Co., Fred A.	.0595
Knapp Packing Co., John C.	.6149
L Bar S Ranch	.1003
Lawson, William J.	.0065
Lima & Sons, Joe	.0923
Oakley, C. B.	.0000
Orange Belt Fruit Distributors	1.2641
Orange Hill Groves	.0086
Otte, Arnold	.0702
Panno Fruit Co., Carlo	.8530
Paramount Citrus Association	.7665
Patitucci, Frank L.	.0086
Placentia Orchard Co.	.5691
Prescott, John A.	.0182
Redlands Fruit Association, Inc.	.0140
Ronald, P. W.	.0200
San Antonio Orchard Co.	.2763
Stephens, T. F.	.2359
Summit Citrus Packers	.0164
Treesweet Products Co.	.2157
Wall, E. T., Grower-Shipper	.0836
Western Fruit Growers, Inc.	.4469

[F. R. Doc. 51-9143; Filed, Aug. 3, 1951; 12:03 p. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 1]

PART 610—MINIMUM EN ROUTE INSTRUMENT ALTITUDES

The minimum en route instrument altitude alterations appearing hereinafter are adopted when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required. Part 610 is amended as follows:

1. Section 610.12 *Green Civil Airway No. 2* is amended to read in part:

From—	To—	Minimum altitude
Miles City, Mont. (LFR).	Dickinson, N. Dak. (LFR).	4,300
Alexandria, Minn. (VOR) via direct radial.	Minneapolis, Minn. (VOR) via direct radial.	2,600
Alexandria, Minn. (VOR) via 15° NE alt. rad.	Minneapolis, Minn. (VOR) via 15° NE alt. rad.	[1] 2,600

[1] 2,900′—minimum continuous VOR reception altitude.

2. Section 610.13 *Green Civil Airway No. 3*, is amended by adding:

From—	To—	Minimum altitude
Fort Bridger, Wyo. (VOR) via direct or 15° N alt. rad.	Rock Springs, Wyo. (VOR) via direct or 15° N alt. rad.	10,000
Rock Springs, Wyo. (VOR) via direct or 15° N alt. rad.	Cherokee, Wyo. (VOR) via direct or 15° N alt. rad.	10,000
Cherokee, Wyo. (VOR) via direct or 15° N alt. rad.	Rock River, Wyo. (VOR) via direct or 15° N alt. rad.	12,000
Rock River, Wyo. (VOR) via direct or 15° N alt. rad.	Cheyenne, Wyo. (VOR) via direct or 15° N alt. rad.	10,500
Laramie, Wyo. (VOR) via direct radial.	Cheyenne, Wyo. (VOR) via direct radial.	11,000
Rock River, Wyo. (VOR) via direct radial.	Laramie, Wyo. (VOR) via direct radial.	11,000
Omaha, Nebr. (VOR): Via direct radial	Des Moines, Iowa (VOR): Via direct radial	2,400
Via 15° S alt. rad.	Via 15° S alt. rad.	2,700
Des Moines, Iowa (VOR) via direct or 15° N or S alt. rad.	Iowa City, Iowa (VOR) via direct or 15° N or S alt. rad.	2,200
Des Moines, Iowa (VOR) via 15° N or S alt. rad.	Moline, Ill. (VOR) via 15° N or S alt. rad.	2,200
Iowa City, Iowa (VOR) via direct or 15° S alt. rad.	Moline, Ill. (VOR) via direct or 15° S alt. rad.	2,200

3. Section 610.14 *Green Civil Airway No. 4*, is amended by adding:

From—	To—	Minimum altitude
Tucumcari, N. Mex. (VOR) via direct or 15° N alt. rad.	Amarillo, Tex. (VOR) via direct or 15° N alt. rad.	[1] 5,200
Amarillo, Tex. (VOR) via direct or 15° NW alt. rad.	Gage, Okla. (VOR) via direct or 15° NW alt. rad.	4,900
Gage, Okla. (VOR) via direct or 15° NW alt. rad.	Anthony, Kans. (VOR) via direct or 15° NW alt. rad.	3,500
Anthony, Kans. (VOR) via direct or 15° NW alt. rad.	Wichita, Kans. (VOR) via direct or 15° NW alt. rad.	3,000
Kansas City, Mo. (VOR) via direct or 15° N or S alt. rad.	Columbia, Mo. (VOR) via direct or 15° N or S alt. rad.	2,400
Columbia, Mo. (VOR) via direct or 15° N alt. rad.	St. Louis, Mo. (VOR) via direct or 15° N alt. rad.	2,200

[1] 6,000′—minimum continuous VOR reception altitude on direct radials.

4. Section 610.15 *Green Civil Airway No. 5*, is amended by adding:

From—	To—	Minimum altitude
Wink, Tex. (VOR) via radial 54 or 69.	Midland, Tex. (VOR) via radial 251 or 266.	4,500
Dallas, Tex. (VOR) via direct or 15° N alt. rad.	Sulphur Springs, Tex. (VOR) via direct or 15° N alt. rad.	2,000
Sulphur Springs, Tex. (VOR) via direct or 15° N alt. rad.	Texarkana, Ark. (VOR) via direct or 15° N alt. rad.	1,800
Texarkana, Ark. (VOR) [1] via direct or 15° NW alt. rad.	Little Rock, Ark. (VOR) via direct or 15° NW alt. rad.	[2] 1,600

[1] This route is associated with this airway since the route lies within the control area established for this airway.

[2] 2,500′—minimum continuous VOR reception altitude.

5. Section 610.15 *Green Civil Airway No. 5*, is amended to read in part:

From—	To—	Minimum altitude
Salt Flat, Tex. (VOR)[1] via 15° N. alt. rad.	Wink, Tex. (VOR) via 15° N. alt. rad.	10,800
Salt Flat, Tex. (VOR)[1] via radial 73.	Int. Wink, Tex. (VOR) radial 254 and Carlsbad, (VOR) radial 142.	10,000
Int. Wink, Tex. (VOR) radial 254 and Carlsbad, N. Mex. (VOR) radial 142.	Wink, Tex. (VOR) via radial 254.	4,500

[1] 8,900′—minimum crossing altitude at Salt Flat (VOR), eastbound.

6. Section 610.102 *Amber Civil Airway No. 2*, is amended to read in part:

From—	To—	Minimum altitude
Great Falls, Mont. (LFR).	Cut Bank, Mont. (LFR).	6,000

7. Section 610.103 *Amber Civil Airway No. 3*, is amended by adding:

From—	To—	Minimum altitude
Casper, Wyo. (VOR) via direct or 15° N alt. rad.	Douglas, Wyo. (VOR) via direct or 15° N alt. rad.	7,500

8. Section 610.104 *Amber Civil Airway No. 4*, is amended by adding:

From—	To—	Minimum altitude
Bismarck, N. Dak. (VOR) via direct or 15° SW alt. rad.	Aberdeen, S. Dak. (VOR) via direct or 15° SW alt. rad.	3,500
Aberdeen, S. Dak. (VOR) via direct or 15° W alt. rad.	Huron, S. Dak. (VOR) via direct or 15° W alt. rad.	2,500
Huron, S. Dak. (VOR) via direct or 15° SW alt. rad.	Sioux Falls, S. Dak. (VOR) via direct or 15° SW alt. rad.	2,800
Sioux Falls, S. Dak. (VOR) via direct or 15° E alt. rad.	Sioux City, Iowa (VOR) via direct or 15° E alt. rad.	2,700
Sioux City, Iowa (VOR) via direct or 15° E alt. rad.	Omaha, Nebr. (VOR) via direct or 15° E alt. rad.	2,500

9. Section 610.105 *Amber Civil Airway No. 5*, is amended by adding:

From—	To—	Minimum altitude
Malden, Mo. (VOR) via direct radial.	Farmington, Mo. (VOR) via direct radial.	2,400
Farmington, Mo. (VOR) via direct radial.	St. Louis, Mo. (VOR) via direct radial.	2,400

10. Section 610.107 *Amber Civil Airway No. 7*, is amended to read in part:

From—	To—	Minimum altitude
Lumberton (INT), N. C.	Raleigh, N. C. (LFR).	2,000

11. Section 610.201 *Red Civil Airway No. 1,* is amended by adding:

From—	To—	Minimum altitude
Thurman, Colo. (VOR) via direct or 15° N or S alt. rad.	Goodland, Kans. (VOR) via direct or 15° N. or S alt. rad.	6,000
Goodland, Kans. (VOR) via direct or 15° N or S alt. rad.	Hill City, Kans. (VOR) via direct or 15° N or S alt. rad.	5,000
Hill City, Kans. (VOR) via direct or 15° N or S. alt. rad.	Salina, Kans. (VOR) via direct or 15° N or S alt. rad.	4,000
Salina, Kans. (VOR) via direct radial.	Waldo, Kans. (VAR)	3,000

12. Section 610.204 *Red Civil Airway No. 4,* is amended by adding:

From—	To—	Minimum altitude
Las Vegas, N. Mex., via radial 109.	Cuervo (INT), N. Mex.	9,500

13. Section 610.211 *Red Civil Airway No. 11,* is amended by adding:

From—	To—	Minimum altitude
Tulsa, Okla. (VOR) via direct or 150° NW alt. rad.	Neosho, Mo. (VOR) via direct or 15° NW alt. rad.	2,200
Neosho, Mo. (VOR) via direct radial.	Springfield, Mo. (VOR) via direct radial.	2,400
Springfield, Mo. (VOR) via direct or 15° NW alt. rad.	Vichy, Mo. (VOR) via direct or 15° NW alt. rad.	2,600
Vichy, Mo. (VOR) via direct or 15° NW alt. rad.	St. Louis, Mo. (VOR) via direct or 15° NW alt. rad.	2,200

14. Section 610.212 *Red Civil Airway No. 12,* is amended by adding:

From—	To—	Minimum altitude
Kansas City, Mo. (VOR) via direct or 15° NW or SE alt. rad.	Kirksville, Mo. (VOR) via direct or 15° NW or SE alt. rad.	2,400
Kirksville, Mo. (VOR) via direct or 15° SE alt. rad.	Burlington, Iowa (VOR) via direct or 15° SE alt. rad.	2,000

15. Section 610.214 *Red Civil Airway No. 14,* is amended to read in part:

From—	To—	Minimum altitude
New Glarus (INT), Wis.	Rockford, Ill. (LFR)	2,300

16. Section 610.214 *Red Civil Airway No. 14,* is amended to eliminate:

From—	To—	Minimum altitude
Indianapolis, Ind. (VOR) via radial 340.	Int. Indianapolis, Ind. (VOR) radial 340 and Chicago Heights, Ill. (VOR) 15° E alt. rad. 138.	[1] 2,100
Int. Indianapolis, Ind. (VOR) radial 340 and Chicago Heights, Ill. (VOR) 15° E alt. rad. 138.	Int. Chicago Heights, Ill. (VOR) 15° E alt. rad. 138 and Lafayette, Ind. (VOR) 15° E alt. rad. via Chicago Heights, Ill. 15° E alt. rad. 138.	[1] 2,100

[1] 3,700′—minimum continuous VOR reception altitude.

17. Section 610.229 *Red Civil Airway No. 29,* is amended to eliminate:

From—	To—	Minimum altitude
Lancaster, Pa. (RBN) via RBN.	Allentown, Pa. (VOR) via direct radial.	2,500

18. Section 610.231 *Red Civil Airway No. 31,* is amended by adding:

From—	To—	Minimum altitude
Rapid City, S. Dak. (VOR) via direct radial.	Philip, S. Dak. (VOR) via direct radial.	4,400
Philip, S. Dak. (VOR) via direct radial.	Pierre, S. Dak. (VOR) via direct radial.	3,500
Pierre, S. Dak. (VOR) via direct radial.	Huron, S. Dak. (VOR) via direct radial.	3,300
Huron, S. Dak. (VOR) via direct radial.	Watertown, S. Dak. (VOR) via direct radial.	3,000
Rapid City, S. Dak. (VOR) via direct radial.	Chadron, Nebr. (VOR) via direct radial.	5,500
Rapid City, S. Dak. (VOR) via 15° W alt. rad.	Chadron, Nebr. (VOR) via 15° W alt. rad.	7,000
Chadron, Nebr. (VOR) via direct or 15° SE alt. rad.	Cheyenne, Wyo. (VOR) via direct or 15° SE alt. rad.	7,300

19. Section 610.233 *Red Civil Airway No. 33,* is amended by adding:

From—	To—	Minimum altitude
Lancaster, Pa. (RBN) via RBN.	Allentown, Pa. (VOR) via direct radial.	2,500

20. Section 610.235 *Red Civil Airway No. 35,* is amended by adding:

From—	To—	Minimum altitude
Hutchinson, Kans. (VOR) via direct or 15° N alt. rad.	Emporia, Kans. (VOR) via direct or 15° N alt. rad.	2,700

21. Section 610.237 *Red Civil Airway No. 37,* is amended by adding:

From—	To—	Minimum altitude
Little Rock, Ark. (VOR)[1] via direct or 15° N alt. rad.	Memphis, Tenn. (VOR) via direct or 15° N alt. rad.	[2] 1,700

[1] This route is associated with this airway since the route lies within the control area established for this airway.
[2] 2,500′—minimum continuous VOR reception altitude.

22. Section 610.246 *Red Civil Airway No. 46,* is amended by adding:

From—	To—	Minimum altitude
Aberdeen, S. Dak. (VOR) via direct or 15° NE alt. rad.	Watertown, S. Dak. (VOR) via direct or 15° NE alt. rad.	3,000

23. Section 610.259 *Red Civil Airway No. 59,* is amended by adding:

From—	To—	Minimum altitude
Gage, Okla. (VOR) via direct or 15° SW alt. rad.	Oklahoma City, Okla. (VOR) via direct or 15° SW alt. rad.	[1] 3,500

[1] 3,800′—minimum continuous VOR reception altitude, 4,500′ 15° SW alt. rad.

24. Section 610.268 *Red Civil Airway No. 68,* is amended by adding:

From—	To—	Minimum altitude
San Angelo, Tex. (VOR) via radial 62.	Paint Rock (INT), Tex.	3,500
Paint Rock (INT), Tex.	Abilene, Tex. (VOR) via radial 171.	[1] 3,800

[1] 4,700′—minimum continuous VOR reception altitude.

25. Section 610.270 *Red Civil Airway No. 70,* is amended by adding:

From—	To—	Minimum altitude
Childress, Tex. (VOR) via direct or 15° N alt. rad.	Lubbock, Tex. (VOR) via direct or 15° N alt. rad.	[1] 4,500

[1] 4,700′—minimum continuous VOR reception altitude on 15° N altitude radial.

26. Section 610.271 *Red Civil Airway No. 71,* is amended by adding:

From—	To—	Minimum altitude
Lubbock, Tex. (VOR) via direct or 15° N alt. rad.	Roswell, N. Mex. (VOR) via direct or 15° N alt. rad.	[1] 6,000

[1] 8,000′—minimum continuous VOR reception altitude.

27. Section 610.284 *Red Civil Airway No. 84,* is added to read:

From—	To—	Minimum altitude
Meridian, Miss. (LFR)	Montgomery, Ala. (LFR).	1,900

28. Section 610.289 *Red Civil Airway No. 89,* is amended by adding:

From—	To—	Minimum altitude
Kirksville, Mo. (VOR) via direct or 15° S alt. rad.	Quincy, Ill. (VOR) via direct or 15° S alt. rad.	2,500

29. Section 610.291 *Red Civil Airway No. 91,* is amended by adding:

From—	To—	Minimum altitude
Salt Flat, Tex. (VOR) via direct radial.	Carlsbad, N. Mex. (VOR) via direct radial.	10,800

30. Section 610.302 *Red Civil Airway No. 102,* is added to read:

From—	To—	Minimum altitude
Indianapolis, Ind. (VOR) via radial 340.	Int. Indianapolis, Ind. (VOR) radial 340 and Chicago Heights, Ill. (VOR) 15° E altitude radial 138.	[1] 2,100
Int. Indianapolis, Ind. (VOR) radial 340 and Chicago Heights, Ill. (VOR) 15° E alt. rad. 138.	Int. Chicago Heights, Ill. (VOR) 15° E alt. rad. 138 and Lafayette, Ind. (VOR) 15° E alt. rad. via Chicago Heights, Ill. (VOR) 15° E alt. rad. 138.	[1] 2,100

[1] 3,700′—minimum continuous VOR reception altitude.

31. Section 610.308 *Red Civil Airway No. 108,* is added to read:

From—	To—	Minimum altitude
Watertown, S. Dak. (VOR) via direct or 15° N alt. rad.	Redwood Falls, Minn. (VOR) via direct or 15° N alt. rad.	3,100

32. Section 610.602 *Blue Civil Airway No. 2,* is amended by adding:

From—	To—	Minimum altitude
Greenville (INT), Ala.	Birmingham, Ala. (LFR) via S crs. Birmingham, Ala. (LFR).	2,700

33. Section 610.605 *Blue Civil Airway No. 5,* is amended by adding:

From—	To—	Minimum altitude
Bryan, Tex. (VOR) via direct or 15° NE alt. rad.	Waco, Tex. (VOR) via direct or 15° NE alt. rad.	2,000
Waco, Tex. (VOR) via direct or 15° E alt. rad.	Dallas, Tex. (VOR) via direct or 15° E alt. rad.	2,000

34. Section 610.606 *Blue Civil Airway No. 6,* is amended by adding:

From—	To—	Minimum altitude
Walnut Ridge, Ark. (VOR) via direct or 15° W alt. rad.	Farmington, Mo. (VOR) via direct or 15° W alt. rad.	2,500

35. Section 610.609 *Blue Civil Airway No. 9,* is amended by adding:

From—	To—	Minimum altitude
Columbia, Mo. (VOR) via direct or 15° E alt. rad.	Kirksville, Mo. (VOR) via direct or 15° E alt. rad.	2,200
Kirksville, Mo. (VOR) via direct or 15° NE alt. rad.	Des Moines, Iowa (VOR) via direct or 15° NE alt. rad.	2,500
Mason City, Iowa (VOR) via direct or 15° SE alt. rad.	Rochester, Minn. (VOR) via direct or 15° SE alt. rad.	2,500

36. Section 610.613 *Blue Civil Airway No. 13,* is amended by adding:

From—	To—	Minimum altitude
Fort Smith, Ark. (VOR) via direct or 15° W alt. rad.	Neosho, Mo. (VOR) via direct or 15° W alt. rad.	3,100
Neosho, Mo. (VOR) via direct or 15° W alt. rad.	Butler, Mo. (VOR) via direct or 15° W alt. rad.	2,500
Butler, Mo. (VOR) via direct radial.	Kansas City, Mo. (VOR) via direct radial.	2,700
Kansas City, Mo. (VOR) via direct or 15° E alt. rad.	Lamoni, Iowa (VOR) via direct or 15° E alt. rad.	2,400
Lamoni, Iowa (VOR) via direct or 15° E or W alt. rad.	Des Moines, Iowa (VOR) via direct or 15° E or W alt. rad.	2,300
Mason City, Iowa (VOR) via direct or 15° W alt. rad.	Minneapolis, Minn. (VOR) via direct or or 15° W alt. rad.	2,600

37. Section 610.622 *Blue Civil Airway No. 22,* is amended by adding:

From—	To—	Minimum altitude
Tulsa, Okla. (VOR) via direct radial.	Fort Smith, Ark. (VOR) via direct radial.	[1] 2,600
Little Rock, Ark. (VOR) via direct radial.	Fort Smith, Ark. (VOR) via direct radial.	[2] 3,000

[1] 3,500′—minimum continuous VOR reception altitude.
[2] 4,000′—minimum continuous VOR reception altitude.

38. Section 610.630 *Blue Civil Airway No. 30,* is amended by adding:

From—	To—	Minimum altitude
Lubbock, Tex. (VOR) via direct or 15° E alt. rad.	Amarillo, Tex. (VOR) via direct or 15° E alt. rad.	5,000

39. Section 610.631 *Blue Civil Airway No. 31,* is amended by adding:

From—	To—	Minimum altitude
Quincy, Ill. (VOR) via direct radial.	Burlington, Iowa (VOR) via direct radial.	2,600

40. Section 610.637 *Blue Civil Airway No. 37,* is amended by adding:

From—	To—	Minimum altitude
Rock River, Wyo. (VOR) via direct or 15° E alt. rad.	Casper, Wyo. (VOR) via direct or 15° E alt. rad.	11,000

41. Section 610.638 *Blue Civil Airway No. 38,* is amended to read in part:

From—	To—	Minimum altitude
Petersburg, Alaska (LFR).	Sisters Island, Alaska (RBN).	7,000
Sisters Island, Alaska (RBN).	Gustavus, Alaska (RBN).	5,500

42. Section 610.661 *Blue Civil Airway No. 61,* is amended by adding:

From—	To—	Minimum altitude
Springfield, Mo. (VOR) via direct or 15° NE alt. rad.	Butler, Mo. (VOR) via direct or 15° NE alt. rad.	2,500

43. Section 610.664 *Blue Civil Airway No. 64,* is amended by adding:

From—	To—	Minimum altitude
Wink, Tex. (VOR) via direct radial.	Hobbs, N. Mex. (VOR) via direct radial.	4,900

44. Section 610.669 *Blue Civil Airway No. 69,* is amended by adding:

From—	To—	Minimum altitude
St. Louis, Mo. (VOR) via direct or 15° NE alt. rad.	Quincy, Ill. (VOR) via direct or 15° NE alt. rad.	2,000
Quincy, Ill. (VOR) via direct or 15° NE alt. rad.	Ottumwa, Iowa (VOR) via direct or 15° NE alt. rad.	2,600
Ottumwa, Iowa (VOR) via direct or 15° SW or NE alt. rad.	Des Moines, Iowa (VOR) via direct or 15° SW or NE alt. rad.	2,500
Int. Des Moines, Iowa 78° (VOR) rad. and Ottumwa, Iowa (VOR) rad. 300.	Int. Des Moines, Iowa (VOR) radial 93 and Ottumwa, Iowa (VOR) rad. 300, via rad. 300.	2,500

45. Section 610.670 *Blue Civil Airway No. 70,* is amended by adding:

From—	To—	Minimum altitude
Ardmore, Okla. (VOR) via direct or 15° E alt. rad.	Tulsa, Okla. (VOR) via direct or 15° E alt. rad.	[1] 2,700

[1] 4,000′—minimum continuous VOR reception altitude.

46. Section 610.676 *Blue Civil Airway No. 76,* is added to read:

From—	To—	Minimum altitude
Sinclair, Wyo. (LFR)	Casper, Wyo. (LFR)	11,000

47. Section 610.681 *Blue Civil Airway No. 81,* is added to read:

From—	To—	Minimum altitude
Charleston, W. Va. (LFR).	Zanesville, Ohio (RBN).	2,200
Zanesville, Ohio (RBN).	Akron, Ohio (LFR)	2,400
Akron, Ohio (LFR)	Int. E crs. Cleveland, Ohio (LFR) and S crs. Sarnia, Canada (LFR).	2,600
Int. E crs. Cleveland, Ohio [1] (LFR) and S crs. Sarnia, Canada (LFR).	U. S.-Canadian boundary.	2,400

[1] 2,600'—minimum crossing altitude at int. E crs. Cleveland and S crs. Sarnia, southbound.

48. Section 610.1001 *Direct routes; Northeast United States* is amended by adding:

From—	To—	Minimum altitude
Allentown, Pa. (LFR).	Chatham, N. J. (RBN).	2,500
Chatham, N. J. (RBN).	Little Ferry (INT), N. Y.	2,000
Chatham, N. J. (RBN).	Yonkers (INT), N. Y.	2,000

49. Section 610.1001 *Direct routes; Northeast United States* is amended to eliminate:

From—	To—	Minimum altitude
Akron, Ohio	Zanesville, Ohio	2,400
Zanesville, Ohio	Charleston, W. Va.	2,200

50. Section 610.1002 *Direct routes; Southeast United States* is amended by adding:

From—	To—	Minimum altitude
Beaumont, Tex. (LFR)	Lufkin, Tex. (RBN).	1,500
Clint, Tex. (RBN)	Van Horn, Tex. (RBN)	9,000
Columbus, N. Mex.	Deming, N. Mex. (RBN).	9,400
El Paso, Tex. (LFR).	Van Horn, Tex. (RBN)	9,000
Enid, Okla. (Vance LFR).	Oklahoma City, Okla. (LFR).	2,600
Enid, Okla. (Vance LFR).	Ponca City, Okla. (RBN).	2,600
Enid, Okla. (Vance LFR).	Gage, Okla. (LFR)	3,600
Fort Smith, Ark. (RBN).	Springfield, Mo. (LFR).	3,500
Houston, Tex. (LFR).	Lufkin, Tex. (RBN).	1,600
Houston, Tex. (LFR).	Longview, Mex. (Gregg Co. RBN).	2,000
Lufkin, Tex. (RBN)	Int. NE crs. Richmond, Tex. (LFR) and NW crs. Houston, Tex. (LFR).	1,600
Lufkin, Tex. (RBN)	Tyler, Tex. (LFR)	1,900
New Walla, Okla. (FM).	Int. E crs. Oklahoma City, Okla. (LFR) and Blue Airway 70 (19° mag. bearing to Tulsa, Okla. (LFR).	2,700
Ponca City, Okla. (RBN).	Tulsa, Okla. (LFR)	2,400
Springfield, Mo. (VOR) via direct radial.	Flippin, Ark. (VOR) via direct radial.	2,700

51. Section 610.1002 *Direct routes; Southeast United States* is amended to read in part:

From—	To—	Minimum altitude
Birmingham, Ala. (LFR).	Int. S crs. Muscle Shoals, Ala. (LFR) with a direct crs. between Birmingham, Ala. and Memphis, Tenn. (LFR).	2,000
Int. S crs. Muscle Shoals, Ala. (LFR) with a direct crs. between Birmingham, Ala. and Memphis, Tenn. (LFR).	Memphis, Tenn. (LFR).	2,500
Chattanooga, Tenn. (LFR).	Int. direct crs. between Chattanooga, Tenn., and Louisville, Ky. (LFR) with a 60° mag. bearing from Bowling Green, Ky. (LFR).	4,500
Int. direct crs. between Chattanooga, Tenn., and Louisville, Ky. (LFR) with a 60° mag. bearing from Bowling Green, Ky. (LFR).	Louisville, Ky. (LFR)	2,200
Int. SW crs. Wichita Falls, Tex. (LFR) and direct crs. between Fort Worth, Tex. (LFR) and Lubbock, Tex. (LFR).	Lubbock, Tex. (LFR)	4,500

52. Section 610.1002 *Direct routes; Southeast United States* is amended to eliminate:

From—	To—	Minimum altitude
Montgomery, Ala.	Meridian, Miss.	1,800
Pine Bluff, Ark. (VAR).	Int. SW crs. Pine Bluff, Ark. (VAR) & NE crs. El Dorado, Ark. (VAR).	1,500
Int. SW crs. Pine Bluff, Ark. (VAR) and NE crs. El Dorado, Ark. (VAR).	El Dorado, Ark. (VAR).	1,500
Shreveport, La.	El Dorado, Ark. (VAR).	1,500
Int. SW crs. Wichita Falls, Tex. (LFR) and a direct crs. between Fort Worth, Tex. (LFR) and Lubbock, Tex. (LFR).	Int. S crs. Guthrie, Tex. (VAR) and a direct crs. between Fort Worth, Tex. (LFR) and Lubbock, Tex. (LFR).	3,500

53. Section 610.1003 *Direct routes; Southwest United States* is amended by adding:

From—	To—	Minimum altitude
Abilene, Tex. (VOR) via direct radial.	Lubbock, Tex. (VOR) via direct radial.	5,000
Carlsbad, N. Mex. (VOR) via direct radial.	Wink, Tex. (VOR) via direct radial.	4,500
Hobbs, N. Mex. (VOR) via direct radial.	Big Spring, Tex. (VOR) via direct radial.	4,900

54. Section 610.1003 *Direct routes; Southwest United States* is amended to eliminate:

From—	To—	Minimum altitude
Columbus, N. Mex.	Clint, Tex. (RBN)	8,500
Culbertson, Tex. (VAR).	Int. N crs. Culbertson, Tex. (VAR) and SW crs. Carlsbad, N. Mex. (LFR).	7,000
Hudspeth, Tex.	Salt Flat, Tex.	7,000

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective August 13, 1951.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51-8968; Filed, Aug. 3, 1951; 8:45 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

[Docket No. FDC-54]

PART 51—CANNED VEGETABLES; DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY; AND FILL OF CONTAINER

PART 52—CANNED VEGETABLES OTHER THAN THOSE SPECIFICALLY REGULATED; DEFINITIONS AND STANDARDS OF IDENTITY

CANNED CORN

In the matter of amending the definitions and standards of identity for canned vegetables other than those specifically regulated; establishing definitions and standards of identity for canned corn and canned field corn; establishing a standard of quality for canned corn; and establishing standards of fill of container for canned corn and canned field corn:

By virtue of the authority vested in the Federal Security Administrator by the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055; 21 U. S. C. 341, 371), and upon the basis of substantial evidence received at the hearing held pursuant to the notice published in the FEDERAL REGISTER on February 4, 1949 (14 F. R. 489), no exceptions having been filed to the tentative order issued on June 20, 1951 (16 F. R. 5874), the following order is promulgated:

Findings of fact. 1. Canned corn is the food the principal component of which is the succulent kernels from husked, silked ears of sweet corn. The kernel consists of an outer hull (pericarp), the main inner portion (endosperm), the germ (embryo), and the tip cap. The tip cap portion of the kernel in usual preparation remains attached to the cob when the kernels are cut from it, and is not properly included in canned corn. There are five types of canned corn as described hereinafter in findings 3 through 6 and finding 8, and the method of preparing the corn ingredient varies with the type of canned corn being prepared. Water is gen-

erally added for proper preparation and to aid in processing. Salt and sugar (sucrose) are generally added as seasoning ingredients. The salt and sugar are usually first dissolved in the water to form a solution, generally designated in the canning industry as a brine, which is then added to the corn ingredient. The food is sealed in a container, and is processed by heat to prevent spoilage. The evidence indicates the possibility of the development of other methods of processing, but no such methods have yet come into use.

2. Red or green sweet peppers or mixtures of these are sometimes added to canned corn for seasoning or garnishing. There is no reason why red or green hot peppers could not be similarly used. The added peppers may be fresh, packed in brine, frozen, or canned or mixtures of these forms. The amount used varies, and generally is added without weighing. The labels of canned corn containing peppers customarily show the kind of peppers used. The consumer can be adequately informed by the statement "with peppers," the blanks being filled in with the words "red" or "green" or both to show the color of the peppers used, and the words "sweet" or "hot" or both to show the type of peppers used.

3. The corn ingredient of whole-kernel or whole-grain corn consists of kernels cut from the ear above the tip cap. In packing whole-kernel corn brine is added to aid in processing. In one style of pack enough brine is added to cover the corn ingredient. In another style of pack a considerably lower proportion of brine to the corn ingredient is used, and the containers are sealed under conditions creating a high vacuum in the container in order to prevent a change in the color of kernels not covered by brine. This latter type of pack has come to be known as vacuum pack or vacuum packed. These terms originated with the use of machines for obtaining a high vacuum in the containers by mechanical means. It is in the interest of consumers buying this type of corn to restrict the amount of brine used, because a lower ratio of brine to the total weight of the food in the container is the principal distinguishing characteristic of vacuum-pack whole-kernel corn. The weight of brine drained from the corn ingredient should not exceed 20 percent of the net weight of the food in the container.

4. The corn ingredient of fritter corn is prepared by slitting the kernels on the cob and scraping out the inner portion, or by scraping out the inner portion after cutting off and removing the top part of the kernel. The corn ingredient consists almost wholly of endosperm and germ. Brine is added to season the food and as an aid in processing.

5. The corn ingredient of ground corn is obtained by grinding or comminuting corn kernels. Brine is added to season the food and as an aid to processing. This corn ingredient has not acquired a common name, but the designation "ground corn" adequately describes the product and differentiates it from other corn ingredients.

6. The corn ingredient of cream-style corn consists of cut kernels, together with portions of kernels that have been scraped from the ear, or a mixture of cut kernels and ground corn or fritter corn or both. Brine is generally added, and the mixture is often given a preliminary heat treatment. A small amount of starch is sometimes added to secure a smooth product, particularly where the corn ingredient is quite immature. There is a possibility that the use of starch may be abused, in that by its use water in excess of that necessary for proper preparation and processing can be incorporated in the product. The evidence, however, does not furnish a basis for setting a numerical maximum limit on the water used. Consistency of cream-style corn, fritter corn, and ground corn was proposed as a factor of identity for the purpose of limiting the amount of water used; however, the consistency of canned corn is affected by other factors than the amount of water used, and is a factor of quality rather than identity. Whenever starch has been used, the label has customarily borne a statement to reveal the addition. Cream-style corn has at times been designated as "crushed corn." In recent years, however, this term has been gradually discontinued as a designation for this style of pack.

7. The material retained on an 8-mesh sieve when cream-style corn is mixed with water and passed over such a sieve is referred to as washed drained residue. There was considerable evidence indicating that some definite proportion of washed drained residue should be required in cream-style corn, or that cream-style corn containing less than a certain amount of washed drained residue should be designated as substandard in quality. Because of the wide variations in the amounts of washed drained residue found in cream-style corn and the divergent opinions expressed as to the significance of washed drained residue, it is inadvisable to prescribe a limit for washed drained residue, either as an identity factor or as a quality factor.

8. A relatively small amount of a type of canned corn resembling whole-kernel corn, except that the kernels are dried before canning, is packed. In the usual method of preparation the shucked, silked ears of succulent sweet corn are cooked; the kernels are cut from the cob and are partially dehydrated in a blast of hot air. The dried kernels are placed in containers with brine, and the containers are sealed and processed. This type of canned corn is commonly known as evaporated corn. The drying of the kernels results in the corn ingredient having a taste and appearance that distinguish it from whole-kernel corn as described in finding 3.

9. Under 21 CFR 52.990 provision was made for canned corn on the cob. Manufacture of this product was discontinued during the late war, and the record does not show that it has been resumed. The evidence of record does not furnish a basis for including this form of corn in the definition and standard of identity, standard of quality, or standard of fill of container for canned corn. Canned corn on the cob, if its production is resumed, can best be treated as a food for which no applicable standard exists.

10. Kernels of yellow sweet corn and white sweet corn are occasionally mixed in preparing canned corn. Due to cross-pollination, canned yellow corn may occasionally contain a few kernels of white corn, and canned white corn may contain a few kernels of yellow corn. The record does not show that any minimum limit for yellow corn in white corn (or vice versa) is needed. Intentional admixtures should be permitted under proper labels.

11. Field corn has not generally been considered suitable for canning because it is not as sweet and not as tender as sweet corn. Field corn is more starchy than sweet corn. Nothwithstanding its less palatable characteristics, it is canned to a limited extent, either alone or mixed with sweet corn. In mixtures of field corn and sweet corn the latter has been used in proportions of from 20 to 40 percent to improve the appearance and flavor. Although it is generally packed only in the cream-style form, there is no reason why it could not be packed in all the forms previously described in findings 3 through 6 and finding 8. It is in the interest of consumers that a standard be adopted so that if field corn is used the finished food can be definitely differentiated by the consumer from canned sweet corn. To accomplish this it is reasonable to require that the food prepared from field corn or any mixture of field corn with sweet corn bear on the label the name "field corn."

12. The common or usual name of canned corn includes the generic name "corn," sweet corn," or "sugar corn"; a designation of the color group of the corn, or mixture of color groups used; the words "whole kernel" or "whole grain" when the corn ingredient is that described in finding 3, together with the supplemental statement "vacuum pack" or "vacuum packed," when the conditions characterizing vacuum-pack corn outlined in finding 3 are met; the word "fritter" when the corn ingredient described in finding 4 is used; the word "ground" when the corn ingredient described in finding 5 is used; the words "cream style" when the corn ingredient described in finding 6 is used; and the word "evaporated" when the corn ingredient described in finding 8 is used. Many canners wish to use the varietal name of the corn as a part of the name of the canned food. Consumers are sometimes interested in knowing the variety of corn used, and it is in the interest of consumers to provide for a variety designation in the name. The arrangement of the different parts of the name of canned corn varies according to the preference of the packer, and it is reasonable to provide that the different parts of the name be arranged in any order not misleading to the consumer. The same facts apply to the name of field corn, except the words "corn," "sweet corn," and "sugar corn" are replaced by the words "field corn," and the term "golden field corn" is not used.

13. The appearance of canned corn is marred by the presence of black or

brown discolored kernels or pieces of kernels. Any unit that has upon it a brown or black discolored area is objectionable. For the purpose of a quality standard it is reasonable that only those discolored kernels or pieces of kernels of such size that they remain on an 8-mesh sieve be counted. The presence of more than one such brown or black discolored kernel or piece of kernel in each 2 ounces of drained weight of whole-kernel or evaporated corn, or more than one such brown or black discolored kernel or piece of kernel in each 2 ounces of net weight of fritter, ground, or cream-style corn so lowers the quality of the food that its label should bear a statement of substandard quality. The caramelized color imparted to canned corn in the processing of the evaporated product is not a brown or black discoloration.

14. The eating quality of canned corn is adversely affected by the presence of pieces of cob. Cob is inedible, and even a small piece is objectionable. For the purpose of a quality standard it is reasonable that only those pieces of cob of such size that they remain on an 8-mesh sieve be included in the measurement of cob. A practicable method for measuring the amount of such cob is to segregate it and measure its volume by displacement. The presence of more than 1 cubic centimeter of cob remaining on an 8-mesh sieve in each 14 ounces of drained weight of whole-kernel or evaporated corn or in each 20 ounces of net weight of fritter, ground, or cream-style corn so lowers the quality of the food that its label should bear a statement of substandard quality.

15. The appearance and also the eating quality of canned corn are adversely affected by the presence of husk. For the purpose of a quality standard it is reasonable that only those pieces of husk of such size that they remain on an 8-mesh sieve be included in the measurement of husk. A practicable method for measuring the amount of such husk is to segregate the pieces and aggregate their areas. The presence of pieces of husk of such size that they remain on an 8-mesh sieve, and in such an amount as to aggregate more than 1 square inch in each 14 ounces of drained material of whole-kernel or evaporated corn, or in each 20 ounces of net weight of fritter, ground, or cream-style corn, so lowers the quality of the food that its label should bear a statement of substandard quality.

16. The appearance and also the eating quality of canned corn are adversely affected by the presence of silk. Silk is unsightly and unpleasant to the taste. There are two different color groups of silk: light green or white, and dark brown. These two color groups are equally objectionable when eaten, but dark-brown silk is more unsightly than lighter colored silk. It is impracticable to distinguish between colors when measuring the amount of silk present. Large pieces of silk are more objectionable to the consumer than small ones, and when the length of a piece is less than ½ inch it ceases to be a significant quality factor. For this reason, when the amount of silk present is measured, pieces less than ½ inch in length should not be counted. A practicable method for measuring the amount of silk is to segregate the pieces ½-inch long or longer remaining on the 8-mesh sieve and determine the aggregate length. The presence of a total length of more than 7 inches of silk for each 1 ounce of drained material of whole-kernel or evaporated corn, or more than a total length of 6 inches of silk in each 1 ounce of net weight of fritter, ground, or cream-style corn so lowers the quality of the food that its label should bear a statement of substandard quality.

17. In cream-style corn consistency has long been known as a factor of quality. Thinness and wateriness detract from the quality of cream-style corn. Thinness and wateriness may be due to the use of too much water, the use of very young corn, or both. When a thin consistency is due to the use of very young corn, the cream-style corn is acceptable to some buyers despite its relatively thin consistency. When such very young corn is used, the alcohol-insoluble-solids content of the washed drained material, as measured by the method set forth in finding 21, will be less than 20 percent. For many years it has been the practice in the trade dealing in canned corn to judge its consistency by observing its spread when emptied from the container onto a flat surface or by spooning the product, but these methods lack the precision which is necessary in a standard of quality. In the trade more accurate methods, which utilize instruments known as consistometers, have been developed for measuring consistency. The method set forth in finding 21 is practicable, well known, and sufficiently precise for use in a standard of quality. When the consistency of cream-style corn is tested by this method and the sample spreads over an approximately circular area having an average diameter of more than 10 inches in the case of cream-style corn the washed drained material of which has an alcohol-insoluble-solids content of over 20 percent, or spreads over more than 12 inches in the case of cream-style corn the washed drained material of which has an alcohol-insoluble-solids content of 20 percent or less, the quality of the cream-style corn is below standard, and its label should bear a statement of substandard quality. Thinness and wateriness also detract from the quality of fritter corn and ground corn. It is reasonable to determine the consistency of fritter corn and ground corn by the method used for determining consistency of cream-style corn. When the consistency of fritter corn or ground corn is tested by this method and the sample spreads over an approximately circular area having an average diameter of more than 12 inches, its quality is below standard, and its label should bear a statement of substandard quality.

18. The eating quality of canned corn is affected by the maturity of the corn used. As corn grows more mature the flavor changes and the corn becomes tough and hard. Accompanying these changes there is an increase in the alcohol-insoluble-solids content of the kernels. Alcohol-insoluble solids comprise certain substances, mostly starch, which are insoluble in warm 80-percent ethyl alcohol. Evidence relating to the determination of alcohol-insoluble solids was confined to the cream-style and whole-kernel corn ingredients. When the percent of alcohol-insoluble solids as determined according to the method set forth in finding 21 for cream-style corn or whole-kernel corn exceeds 27, the product is of such low quality that its label should bear a statement of substandard quality.

19. The eating quality of canned corn is adversely affected by the presence of pulled kernels. A pulled kernel is a kernel, or portion of kernel, from which not all of the tip cap has been removed. The tip cap of the kernel is composed of a hard, fibrous material that is unpleasant to chew. All the samples on which pulled kernels were reported showed relatively small numbers of such kernels, and on the basis of the evidence it is difficult to fix a reasonable dividing line between canned corn of standard quality and canned corn that is substandard in quality because of this defect. It is inadvisable at present to include a limit on pulled kernels in a quality standard for canned corn.

20. The determination of the proportionate amounts of black or brown discolored kernels, cob, husk, and silk present in whole-kernel and evaporated corn should be based upon the drained weight of the corn, in order to allow for different proportions of brine, but in fritter, ground, and cream-style corn, where it is impracticable to separate the corn ingredient from the packing medium, such proportionate amounts should be based upon the net weight of the contents of the container.

21. A practicable method for determining whether canned corn is of substandard quality is as follows:

A. *In the case of whole-kernel corn and evaporated corn.* Determine the gross weight of the container. Open and distribute the contents of the container over the meshes of an 8-mesh circular sieve which has previously been weighed. The diameter of the sieve is 8 inches if the quantity of the contents of the container is less than 3 pounds, and 12 inches if such quantity is 3 pounds or more. The bottom of the sieve is woven-wire cloth which complies with the specifications for such cloth set forth under "2380 Micron (No. 8)" in Table I of "Standard Specifications for Sieves," published March 1, 1940, in L. C. 584 of the U. S. Department of Commerce, National Bureau of Standards. Without shifting the material on the sieve, so incline the sieve as to facilitate drainage. Two minutes from the time drainage begins, weigh the sieve and the drained material. Record, in ounces, the weight so found, less the weight of the sieve, as the drained weight. Dry and weigh the empty container and subtract this weight from the gross weight to obtain the net weight. Calculate the percent of drained liquid in the net weight.

Pour the drained material from the sieve into a flat tray and spread it in a layer of fairly uniform thickness. Count, but do not remove, the brown or black discolored kernels or pieces of kernel and calculate the number per 2 ounces of drained material. Remove pieces of silk more than ½-inch long,

husk, cob, and any pieces of material other than corn. Measure the aggregate length of such pieces of silk and calculate the length of silk per 1 ounce of drained weight. Spread the husk flat, measure its aggregate area, and calculate the area of husk per 14 ounces of drained weight. Place all pieces of cob under a measured amount of water in a cylinder which is so graduated that the volume can be measured to 0.1 cubic centimeter. Take the increase in volume as the aggregate volume of the cob and calculate the volume of cob per 14 ounces of drained weight.

If the corn is whole kernel, comminute a representative 100-gram sample of the drained corn from which the silk, husk, cob, and other material which is not corn (i. e., peppers) have been removed. An equal amount of water is used to facilitate this operation. Weigh to the nearest 0.01 gram a portion of the comminuted material equivalent to approximately 10 grams of the drained corn into a 600-cubic centimeter beaker. Add 300 cubic centimeters of 80-percent alcohol (by volume), stir, cover beaker, and bring to a boil. Simmer slowly for 30 minutes. Fit a Buchner funnel with a previously prepared filter paper of such size that its edges extend ½ inch or more up the vertical sides of the funnel. The previous preparation of the filter paper consists of drying it in a flat-bottomed dish for 2 hours at 100° C., covering the dish with a tight-fitting cover, cooling it in a desiccator, and promptly weighing to the nearest 0.001 gram. After the filter paper is fitted to the funnel, apply suction and transfer the contents of the beaker to the funnel. Do not allow any of the material to run over the edge of the paper. Wash the material on the filter with 80-percent alcohol (by volume) until the washings are clear and colorless. Transfer the filter paper with the material retained thereon to the dish used in preparing the filter paper. Dry the material in a ventilated oven, without covering the dish, for 2 hours at 100° C. Place the cover on the dish, cool it in a desiccator, and promptly weigh to the nearest 0.001 gram. From this weight subtract the weight of the dish, cover, and paper as previously found. Calculate the remainder to percentage.

B. *In the case of fritter corn, ground corn, and cream-style corn.* Allow the container to stand at least 24 hours at a temperature of 68° F. to 85° F. Determine the gross weight, open, transfer the contents into a pan, and mix thoroughly in such a manner as not to incorporate air bubbles. (If the net contents of a single container is less than 18 ounces, determine the gross weight, open, and mix the contents of the least number of containers necessary to obtain 18 ounces.) Fill level full a hollow, truncated cone so placed on a polished horizontal plate as to prevent leakage. The cone has an inside bottom diameter of 3 inches, inside top diameter of 2 inches, and height of $4\frac{27}{32}$ inches. As soon as the cone is filled, lift it vertically. Determine the average of the longest and shortest diameters of the approximately circular area on the plate covered by the sample 30 seconds after lifting the cone. Dry and weigh each empty container and subtract the weight so found from the gross weight to obtain the net weight.

Transfer the material from the plate, cone, and pan onto an 8-mesh sieve as prescribed in the first paragraph of part A. The diameter of the sieve is 8 inches if the quantity of the contents of the container is less than 3 pounds, and 12 inches if such quantity is 3 pounds or more. Set the sieve in a pan. Add enough water to bring the level within ⅜ inch to ¼ inch of the top of the sieve. Gently wash the material on the sieve by combined up-and-down and circular motion for 30 seconds. Repeat washing with a second portion of water. Remove sieve from pan, incline to facilitate drainage, and drain for 2 minutes.

From the material remaining on the 8-mesh sieve, count, but do not remove, the brown or black discolored kernels or pieces of kernel and calculate the number per 2 ounces of net weight. Remove pieces of silk more than ½-inch long, husk, cob, and other material which is not corn (i. e., peppers). Measure aggregate length of such pieces of silk and calculate the length per ounce of net weight. Spread the husk flat and measure its aggregate area and calculate the area per 20 ounces of net weight. Place all pieces of cob under a measured amount of water in a cylinder which is so graduated that the volume may be measured to 0.1 cubic centimeter. Take the increase in volume as the aggregate volume of the cob and calculate the volume of cob per 20 ounces of net weight. If the corn is cream-style corn, take a representative 100-gram sample of the material remaining on the 8-mesh sieve (if such material weighs less than 100 grams take all of it) and determine the alcohol-insoluble solids as prescribed above for whole-kernel corn.

22. When canned corn falls below the standard of quality, a label statement that fairly and accurately informs the consumer of that fact is the general statement of substandard quality specified in 21 CFR 10.2 (a). A more specific and equally acceptable statement may be obtained by substituting for the second line, "Good Food—Not High Grade." the words specified after the corresponding number of one of the findings 13 through 17, when the quality factor described in the finding is the only one which such corn fails to meet, as follows:

a. "Excessive discolored kernels." (Finding 13)
b. "Excessive cob." (Finding 14)
c. "Excessive husk." (Finding 15)
d. "Excessive silk." (Finding 16)
e. "Excessive liquid." (Finding 17)

23. A reasonable requirement for the fill of container for fritter corn, ground corn, and cream-style corn is a requirement that these foods occupy not less than 90 percent of the total capacity of the container as determined by the general method of fill of container in 21 CFR 10.1 (b). This requirement can be readily met in general practice by canners of fritter corn, ground corn, and cream-style corn. This method of measuring fill is a simple and practicable one, and provides accurate measurement for all shapes of containers. A small proportion of the corn canned in these styles is packed in large-size containers, commonly known as number 10 cans, for restaurant and institutional use. Some care is necessary to remove entrapped air from these large containers to obtain a 90-percent fill. It is reasonable to require that this care be taken, and that the same fill of container requirement be established for all commercial-size containers. When canned corn falls below the standard of fill of container, the consumer should be so informed. A label statement which fairly and accurately informs the consumer of that fact is the general statement of substandard fill of container (21 CFR 10.2 (b)).

24. In the case of whole-kernel and evaporated corn, a requirement based on the total volume occupied by the corn and the packing medium would not be satisfactory, since water added to aid in processing occupies a large proportion of the volume of the container.

Evidence was received tending to show that a requirement fixing a minimum drained weight of corn in relation to the capacity of the container would be a reasonable and effective method of establishing a standard of fill for whole-kernel corn. This evidence, however, showed the need for differentiating between corns of different maturities when fixing minimum drained-weight requirements, but did not furnish an adequate basis for making separate requirements. It is therefore inadvisable on the basis of the evidence now available to include in this order a standard of fill of container for whole-kernel and evaporated corn.

25. Although there is no evidence in the record on fill of container for canned field corn specifically, the similarity of canned field corn to canned corn is such that it is reasonable to make the same requirements for fill of container and label statement of substandard fill for canned fritter field corn, ground field corn, and cream-style field corn as for the same types of canned sweet corn.

Conclusions. Upon consideration of the whole record and the foregoing findings of fact it is concluded that it will promote honesty and fair dealing in the interest of consumers:

1. To amend the regulations fixing and establishing definitions and standards of identity for canned vegetables other than those specifically regulated (21 CFR 52.990) by deleting therefrom all references to corn and field corn.

2. To fix and establish the specific definitions and standards of identity for canned corn and canned field corn as hereinafter set forth.

3. To fix and establish a standard of quality for canned corn as hereinafter set forth, consideration having been given to and due allowance made for the different characteristics of the several varieties of corn.

4. To fix and establish standards of fill of container for fritter, ground, and cream-style corn and for fritter, ground, and cream-style field corn as hereinafter set forth.

It is further concluded that the record does not furnish a satisfactory basis for establishing standards of fill of container for whole-kernel corn and evaporated corn.

1. Therefore, Part 51—Canned Vegetables; Definitions and Standards of Identity; Quality; and Fill of Container is amended by adding the following new sections:

§ 51.20 *Canned corn, canned sweet corn, canned sugar corn; identity; label statement of optional ingredients.* (a) Canned corn, canned sweet corn, canned sugar corn is the food consisting of one of the corn ingredients specified in paragraph (b) of this section, with water necessary for proper preparation and processing. It may be seasoned or garnished with one or more of the following optional ingredients:

(1) Salt.

(2) Sugar (sucrose).

(3) Pieces of sweet red peppers or sweet green peppers or hot red peppers or hot green peppers or a mixture of any two or more of these.

It is sealed in a container and so processed by heat as to prevent spoilage.

(b) The corn ingredients referred to in paragraph (a) of this section consist of succulent sweet corn of the white or yellow color groups, or mixtures of these, and are as follows:

(1) Cut kernels from which the hulls have not been separated.

(2) Pieces of the inner portion of the corn kernel substantially free from hull.

(3) Ground kernels from which the hulls have not been separated.

(4) A mixture of the form described in subparagraph (1) of this paragraph with one or both of the forms described in subparagraphs (2) and (3) of this paragraph. When necessary to insure smoothness, starch may be added, in a quantity not more than sufficient for that purpose.

(5) Cut and cooked kernels from which most of the moisture has been evaporated.

In preparing each of the foregoing corn ingredients, the tip caps are removed.

(c) (1) The name of the food is: "Corn" or "Sweet Corn" or "Sugar Corn" with the name of the color group used, "White," "Yellow," or "Golden," or with the names of the color groups used, "White and Yellow" or "White and Golden," when the white color group predominates, and "Yellow and White" or "Golden and White," when the yellow color group predominates, and with:

(i) The words "Whole Kernel" or "Whole Grain," when the corn ingredient specified in paragraph (b) (1) of this section is used. When the weight of the liquid in the container, as determined by the method prescribed in § 51.21 (b) (1), is not more than 20 percent of the net weight, and the container is closed under conditions creating a high vacuum in the container, the words "Vacuum Pack" or "Vacuum Packed" also are part of the name.

(ii) The word "Fritter," when the corn ingredient specified in paragraph (b) (2) of this section is used.

(iii) The word "Ground," when the corn ingredient specified in paragraph (b) (3) of this section is used.

(iv) The words "Cream Style," when the corn ingredient specified in paragraph (b) (4) of this section is used.

(v) The word "Evaporated," when the corn ingredient specified in paragraph (b) (5) of this section is used.

(2) The parts of the name as specified in subparagraph (1) of this paragraph may be arranged in any order of precedence. The varietal name of the corn used may intervene between parts of the name of the food. For the purpose of arrangement of the name, the words "Sweet" and "Corn" may be treated as separate parts of the name. When the varietal name immediately precedes or follows the name or intervenes between parts of the name of the food and it accurately designates the color of the corn ingredient, no other designation of the color group need be made.

(d) (1) When the optional seasoning or garnishing ingredient specified in paragraph (a) (3) of this section is used, the label shall bear the words "With _____ peppers," the blanks being filled in with the words "red" or "green" or both, to show the color of peppers used, and "sweet" or "hot" or both, to show the kind of peppers used, as for example "With green sweet peppers" or "With hot red peppers."

(2) When the optional starch ingredient specified in paragraph (b) (4) of this section is used, the label shall bear the statement "Starch added to insure smoothness."

(e) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements prescribed by paragraph (d) of this section shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter, except that the varietal name of the corn used may so intervene.

§ 51.21 *Canned corn, canned sweet corn, canned sugar corn; quality; label statement of substandard quality.* (a) The standard of quality for canned corn is as follows:

(1) When tested by the method prescribed in paragraph (b) of this section, canned corn in which the corn ingredient is whole-kernel corn (§ 51.20 (b) (1)) or evaporated corn (§ 51.20 (b) (5)):

(i) Contains not more than one brown or black discolored kernel or piece of kernel for each 2 ounces of drained weight;

(ii) Contains not more than 1 cubic centimeter of pieces of cob for each 14 ounces of drained weight;

(iii) Contains not more than 1 square inch of husk for each 14 ounces of drained weight; and

(iv) Contains not more than 7 inches of silk for each 1 ounce of drained weight.

(2) When tested by the method prescribed in paragraph (c) of this section, canned corn in which the corn ingredient is fritter corn (§ 51.20 (b) (2)), ground corn (§ 51.20 (b) (3)), or cream-style corn (§ 51.20 (b) (4)):

(i) Contains not more than one brown or black discolored kernel or piece of kernel for each 2 ounces of net weight;

(ii) Contains not more than 1 cubic centimeter of pieces of cob for each 20 ounces of net weight;

(iii) Contains not more than 1 square inch of husk for each 20 ounces of net weight;

(iv) Contains not more than 6 inches of silk for each 1 ounce of net weight; and

(v) Has a consistency such that the average diameter of the approximately circular area over which the prescribed sample spreads does not exceed 12 inches, except that, in the case of cream-style corn the washed drained material of which contains more than 20 percent of alcohol-insoluble solids, the average diameter of the approximately circular area over which the prescribed sample spreads does not exceed 10 inches.

(3) (i) The weight of the alcohol-insoluble solids of whole-kernel corn (§ 51.20 (b) (1)) does not exceed 27 percent of the drained weight, when tested by the method prescribed in paragraph (b) of this section.

(ii) The weight of the alcohol-insoluble solids of the washed drained material of cream-style corn (§ 51.20 (b) (4)) does not exceed 27 percent of the weight of such material, when tested by the method prescribed in paragraph (c) of this section.

(b) The method referred to in paragraph (a) of this section for testing whole-kernel corn (§ 51.20 (b) (1)) and evaporated corn (§ 51.20 (b) (5)) is as follows:

(1) Determine the gross weight of the container. Open and distribute the contents of the container over the meshes of an 8-mesh circular sieve which has previously been weighed. The diameter of the sieve is 8 inches if the quantity of the contents of the container is less than 3 pounds, and 12 inches if such quantity is 3 pounds or more. The bottom of the sieve is woven-wire cloth which complies with the specifications for such cloth set forth under "2380 Micron (No. 8)" in Table I of "Standard Specifications for Sieves," published March 1, 1940, in L. C. 584 of the U. S. Department of Commerce, National Bureau of Standards. Without shifting the material on the sieve, so incline the sieve as to facilitate drainage. Two minutes from the time drainage begins, weigh the sieve and the drained material. Record, in ounces, the weight so found, less the weight of the sieve, as the drained weight. Dry and weigh the empty container and subtract this weight from the gross weight to obtain the net weight. Calculate the percent of drained liquid in the net weight.

(2) Pour the drained material from the sieve into a flat tray and spread it in a layer of fairly uniform thickness. Count, but do not remove, the brown or black discolored kernels or pieces of kernel and calculate the number per 2 ounces of drained material. Remove pieces of silk more than ½-inch long, husk, cob, and any pieces of material other than corn. Measure the aggregate length of such pieces of silk and calculate the length of silk per 1 ounce of drained weight. Spread the husk flat, measure its aggregate area, and calculate the area of husk per 14 ounces of drained weight. Place all pieces of cob under a measured amount of water in a cylinder which is so graduated that

the volume can be measured to 0.1 cubic centimeter. Take the increase in volume as the aggregate volume of the cob and calculate the volume of cob per 14 ounces of drained weight.

(3) If the corn is whole kernel (§ 51.20 (b) (1)), comminute a representative 100-gram sample of the drained corn from which the silk, husk, cob, and other material which is not corn (i. e., peppers) have been removed. An equal amount of water is used to facilitate this operation. Weigh to nearest 0.01 gram a portion of the comminuted material equivalent to approximately 10 grams of the drained corn into a 600-cubic centimeter beaker. Add 300 cubic centimeters of 80-percent alcohol (by volume), stir, cover beaker, and bring to a boil. Simmer slowly for 30 minutes. Fit a Buchner funnel with a previously prepared filter paper of such size that its edges extend ½ inch or more up the vertical sides of the funnel. The previous preparation of the filter paper consists of drying it in a flat-bottomed dish for 2 hours at 100° C., covering the dish with a tight-fitting cover, cooling it in a desiccator, and promptly weighing to the nearest 0.001 gram. After the filter paper is fitted to the funnel, apply suction and transfer the contents of the beaker to the funnel. Do not allow any of the material to run over the edge of the paper. Wash the material on the filter with 80-percent alcohol (by volume) until the washings are clear and colorless. Transfer the filter paper with the material retained thereon to the dish used in preparing the filter paper. Dry the material in a ventilated oven, without covering the dish, for 2 hours at 100° C. Place the cover on the dish, cool it in a desiccator, and promptly weigh to the nearest 0.001 gram. From this weight subtract the weight of the dish, cover, and paper as previously found. Calculate the remainder to percentage.

(c) The method referred to in paragraph (a) of this section for testing fritter corn (§ 51.20 (b) (2)), ground corn (§ 51.20 (b) (3)), and cream-style corn (§ 51.20 (b) (4)) is as follows:

(1) Allow the container to stand at least 24 hours at a temperature of 68° F. to 85° F. Determine the gross weight, open, transfer the contents into a pan, and mix thoroughly in such a manner as not to incorporate air bubbles. (If the net contents of a single container is less than 18 ounces, determine the gross weight, open, and mix the contents of the least number of containers necessary to obtain 18 ounces.) Fill level full a hollow, truncated cone so placed on a polished horizontal plate as to prevent leakage. The cone has an inside bottom diameter of 3 inches, inside top diameter of 2 inches, and height of $4^{27}/_{32}$ inches. As soon as the cone is filled, lift it vertically. Determine the average of the longest and shortest diameters of the approximately circular area on the plate covered by the sample 30 seconds after lifting the cone. Dry and weigh each empty container and subtract the weight so found from the gross weight to obtain the net weight.

(2) Transfer the material from the plate, cone, and pan onto an 8-mesh sieve as prescribed in paragraph (b) (1) of this section. The diameter of the sieve is 8 inches if the quantity of the contents of the container is less than 3 pounds, and 12 inches if such quantity is 3 pounds or more. Set the sieve in a pan. Add enough water to bring the level within ⅜ inch to ¼ inch of the top of the sieve. Gently wash the material on the sieve by combined up-and-down and circular motion for 30 seconds. Repeat washing with a second portion of water. Remove sieve from pan, incline to facilitate drainage, and drain for 2 minutes.

(3) From the material remaining on the 8-mesh sieve, count, but do not remove, the brown or black discolored kernels or pieces of kernel and calculate the number per 2 ounces of net weight. Remove pieces of silk more than ½-inch long, husk, cob, and other material which is not corn (i. e., peppers). Measure aggregate length of such pieces of silk and calculate the length per ounce of net weight. Spread the husk flat and measure its aggregate area and calculate the area per 20 ounces of net weight. Place all pieces of cob under a measured amount of water in a cylinder which is so graduated that the volume may be measured to 0.1 cubic centimeter. Take the increase in volume as the aggregate volume of the cob and calculate the volume of cob per 20 ounces of net weight. If the corn is cream-style corn (§ 51.20 (b) (4)), take a representative 100-gram sample of the material remaining on the 8-mesh sieve (if such material weighs less than 100 grams take all of it) and determine the alcohol-insoluble solids as prescribed in paragraph (b) (3) of this section for whole-kernel corn.

(d) If the quality of canned corn falls below the standard prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard quality specified in § 10.2 (a) of this chapter, in the manner and form therein specified; however, if the quality of the canned corn falls below standard with respect to only one of the factors of quality specified by subdivisions (i) to (iv) of paragraph (a) (1) of this section, or by subdivisions (i) to (v) of paragraph (a) (2) of this section, there may be substituted for the second line of such general statement of substandard quality, "Good Food—Not High Grade," a new line as specified after the corresponding subdivision designation of paragraph (a) of this section which the canned corn fails to meet:

(1) (i) or (2) (i) "Excessive discolored kernels."
(1) (ii) or (2) (ii) "Excessive cob."
(1) (iii) or (2) (iii) "Excessive husk."
(1) (iv) or (2) (iv) "Excessive silk."
(2) (v) "Excessively liquid."

§ 51.22 *Canned corn, canned sweet corn, canned sugar corn where the corn ingredient is in one of the forms known as fritter corn, ground corn, or cream-style corn; fill of container; label statement of substandard fill.* (a) The standard of fill of container for canned corn where the corn ingredient is in one of the forms known as fritter corn (§ 51.20 (b) (2)), ground corn (§ 51.20 (b) (3)), or cream-style corn (§ 51.20 (b) (4)) is a fill of not less than 90 percent of the total capacity of the container, as determined by the general method for fill of containers prescribed in § 10.1 (b) of this chapter.

(b) If canned fritter corn, canned ground corn, or canned cream-style corn falls below the standard of fill of container prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard fill specified in § 10.2 (b) of this chapter, in the manner and form therein specified.

§ 51.30 *Canned field corn; identity; label statement of optional ingredients.* (a) Canned field corn conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for canned corn by § 51.20, except that the corn ingredient consists of succulent field corn or a mixture of succulent field corn and succulent sweet corn.

(b) The name of the food conforms to the name specified in § 51.20 (c), except that the words "Corn," "Sweet Corn," and "Sugar Corn" are replaced by the words "Field Corn," and the term "Golden Field Corn" is not used.

§ 51.32 *Canned field corn where the corn ingredient is in one of the forms known as fritter field corn, ground field corn, or cream-style field corn; fill of container; label statement of substandard fill.* Each of the foods canned fritter field corn, canned ground field corn, and canned cream-style field corn conforms to the standard of fill of container and label statement of substandard fill prescribed for canned fritter corn, canned ground corn, and canned cream-style corn by § 51.22 (a) and (b).

2. Part 52, Canned Vegetables Other Than Those Specifically Regulated; Definitions and Standards of Identity, is amended in the following respects:

a. In § 52.990 *Canned vegetables; identity; label statement of optional ingredients,* paragraph (b), delete from the table in column I the ten listed references to canned corn, beginning with the words "White sweet corn or" and ending with the words "Field corn", and in column II delete the ten lines beginning with "Seed cut from ears of white sweet corn" and ending with "Seed cut and scraped from ears of field corn" and in column III the eight lines beginning with "Whole grain or whole kernel" and ending with "Cream style or crushed".

b. In § 52.990 (c) (3), delete subdivision (i) and renumber subdivision (ii) as subparagraph (3).

c. In § 52.990 (f) (1), delete the second sentence.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 401, 52 Stat. 1046; 21 U. S. C. 341)

Effective date. These regulations shall become effective on January 1, 1952.

Dated: July 30, 1951.

[SEAL] OSCAR R. EWING,
Administrator.

[F. R. Doc. 51-8980; Filed, Aug. 3, 1951; 8:47 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter II—Economic Cooperation Administration

[ECA Reg. 2, as Amended November 5, 1949, Amdt. 2]

PART 202—PARCEL POST SHIPMENTS OF INDIVIDUAL RELIEF PACKAGES

SCOPE

Section 202.1 of ECA Regulation 2, as amended November 5, 1949, is hereby amended to read as follows, effective July 1, 1951:

§ 202.1 *Scope of the regulations in this part.* This part provides the rules under which the Administrator for Economic Cooperation will pay ocean freight charges from a United States port to initial foreign ports of entry on relief packages originating in the United States (including its territories and insular possessions) and consigned by an individual by parcel post to an individual residing in Austria, those areas of China which the Administrator may deem to be eligible for assistance, Italy, the Republic of Korea, or the zones of Trieste occupied by the United States, the United Kingdom, or France.

(Sec. 104, 62 Stat. 138, as amended; 22 U. S. C. Sup. 1503. Interprets or applies sec. 117, 62 Stat. 153, as amended; 22 U. S. C. Sup. 1515)

WILLIAM C. FOSTER,
Administrator for Economic Cooperation.

[F. R. Doc. 51-8969; Filed, Aug. 3, 1951; 8:45 a. m.]

[ECA Reg. 3, as Amended November 5, 1949, Amdt. 1]

PART 203—COMMERCIAL FREIGHT SHIPMENTS OF SUPPLIES BY VOLUNTARY NON-PROFIT AGENCIES

SCOPE

Section 203.2 of ECA Regulation 3, as amended November 5, 1949, is hereby amended to read as follows, effective July 9, 1951:

§ 203.2 *Scope of the regulations in this part.* This part provides the rules under which the Administrator, in order to further the efficient use of United States voluntary contributions for relief in the countries or zones hereinafter designated, will pay ocean freight charges from United States ports to initial foreign ports of entry on supplies donated to or purchased by United States voluntary non-profit relief agencies registered with and recommended by the Committee, for distribution in Austria, those areas of China which the Administrator may deem to be eligible for assistance, France, Greece, India, Italy, the Republic of Korea, Norway, or the zones of Germany and Trieste occupied by the United States, the United Kingdom, or France.

(Sec. 104, 62 Stat, 138, as amended; 22 U. S. C. Sup., 1503. Interprets or applies sec. 117, 62 Stat. 153, as amended; 22 U. S. C. Sup., 1515)

WILLIAM C. FOSTER,
Administrator for Economic Cooperation.

[F. R. Doc. 51-8970; Filed, Aug. 3, 1951; 8:45 a. m.]

[ECA Reg. 5, as Amended November 5, 1949, Amdt. 2]

PART 205—COMMERCIAL FREIGHT SHIPMENTS OF INDIVIDUAL RELIEF PACKAGES

SCOPE

Section 205.1 and the table of rates under § 205.3 of ECA Regulation 5, as amended November 5, 1949, are hereby amended to read as follows, effective July 1, 1951:

§ 205.1 *Scope of the regulations in this part.* This part provides the rules under which the Administrator for Economic Cooperation (hereinafter referred to as the Administrator) will make reimbursement for ocean freight charges from a United States port to initial foreign ports of entry on relief packages originating in the United States, its territories and insular possessions, and consigned to individuals residing in Austria, those areas of China which the Administrator may deem to be eligible for assistance, Italy, the Republic of Korea, or the zones of Trieste under occupation by the United States, the United Kingdom, or France, which relief packages are assembled and shipped by persons in the manner hereinafter provided.

§ 205.3 *Manner of payment of ocean freight charges.* * * *

Country	Rate per pound	
	Packages containing any food	Packages not containing any food
	Cents	*Cents*
Italy	2	2
Trieste	2	2
China (from east coast ports)	3	4.5
China (from west coast ports)	2.2	4.4
Korea (from east coast ports)	2.3	2.6
Korea (from west coast ports)	2.2	2.4

(Sec. 104, 62 Stat. 138, as amended; 22 U. S. C. Sup., 1503. Interprets or applies sec. 117, 62 Stat. 153, as amended; 22 U. S. C. Sup., 1515)

WILLIAM C. FOSTER,
Administrator for Economic Cooperation.

[F. R. Doc. 51-8971; Filed, Aug. 3, 1951; 8:45 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter G—Procurement

ARMY PROCUREMENT PROCEDURE

MISCELLANEOUS AMENDMENTS

The following amendments to Subchapter G are issued.

PART 590—GENERAL PROVISIONS

Part 590 is amended as indicated below:

1. Section 590.301 is rescinded and the following substituted therefor:

§ 590.301 *Methods of procurement.* (a) Department of the Army policies with respect to procurement by formal advertising or by negotiation are set forth in §§ 591.102 and 592.101 of this chapter. In connection with the placement of contracts during a period of national emergency, it is essential that contracts be spread across industry as widely as possible in order to broaden the industrial base of the procurement program. All Procuring Activities and agencies will give particular attention to the following in effecting procurement:

(1) The greatest possible integration of current procurement contracts with the industrial mobilization program and the accepted schedules of production.

(2) The equitable distribution of procurement contracts among the maximum number of competent suppliers. The concentration of contracts with a few leader suppliers is to be avoided unless the necessity therefor is clear.

(3) The utilization of existing open industrial capacity to the maximum. Expansion of facilities should not be authorized when open capacity can be found. Whenever time permits, and in order to broaden the mobilization base, additional contractors should be utilized in lieu of multi-shift or overtime operation.

(4) The fullest possible use of small business concerns.

(5) The utilization in negotiation of competition and multiple awards, whenever possible.

(6) The aggressive encouragement or requirement of subcontracting by prime contractors.

(7) The provision of maximum incentive to the producer for the reduction of his costs.

(8) The placement of contracts with a view to economies in the use of transportation facilities.

(9) The availability of manpower in distressed employment areas or in areas of manpower shortages.

(10) The reservation of special skills and abilities for the more difficult production tasks.

(b) Procurements and procurement actions effected under Title II of the First War Powers Act, 1941, as amended, Executive Order 10210, 2 February 1951, and regulations issued thereunder will be governed by basic policies and procedures set forth in Subpart I of this part.

2. Section 590.354–1 is rescinded and the following substituted therefor:

§ 590.354–1 *Statement of policy.* (a) It is the policy of the Military Departments that unclassified, negotiated and advertised procurements exceeding $10,000 made in the Continental United States will be publicized when such procurements are scheduled to be opened 18 days or more from date of issue. Unclassified United States procurements exceeding $10,000 will be scheduled to be

opened 18 days or more from date of issue unless circumstances make an earlier opening essential. Synopses of Proposed Procurements, designed to furnish potential suppliers with sufficient information to determine whether they will be interested in bidding or quoting will be prepared in accordance with the instructions set forth in §§ 590.354—590.354–5.

(b) Policies with respect to dissemination of information to unsuccessful bidders and offerors concerning awards are set forth in §§ 401.407, 591.407 and 592.150 of this title. Instructions pertaining to synopses of awards are set forth in §§ 590.355–590.355–4.

3. Section 590.354–2 is amended by rescinding paragraph (b) thereof and substituting the following therefor:

§ 590.354–2 *Applicability.* * * *

(b) The procurement is unclassified;

* * * * *

4. Section 590.354–4 is amended by changing paragraphs (c), (d), and (f) to read as follows:

§ 590.354–4 *Instructions for teletyping of synopses.* * * *

(c) The description of the item being procured will be in capital letters, using the dash for commas and will not exceed 31 typewriter spaces. If 31 spaces are insufficient, additional lines may be used. The description will be clear, concise, abbreviated wherever possible, with a minimum number of words for description but sufficient for understanding by interested parties; it will consist of a minimum general description of the item procured and will include, when appropriate, commonly used names of supply items, basic materials from which fabricated, general size or dimensions, etc. Citation to specification and/or drawing numbers or other identifying data will be included, if this information will assist prospective suppliers in determining whether or not they are interested in the procurement.

(d) The column designating the quantity begins on typewriter space 32 and will not exceed 10 spaces. Every effort will be made to center the quantity between spaces 32 and 41. If 10 spaces are insufficient to include desired statements relative to quantity, additional lines may be used. Quantity to be procured will be indicated, except that whenever purchasing offices believe it advisable for security reasons, quantities may be published as "more than ----------."

* * * * *

(f) The column designating the opening date (or last date for submission of proposals or quotations) begins on typewriter space 58 and will not exceed 13 spaces. The last digit of the entry in this column should fall in space 70.

* * * * *

5. Section 590.355–2 is amended by changing the reference "§ 590.335", appearing therein, to read "§ 590.355", and rescinding paragraph (b) thereof and substituting the following therefor:

§ 590.355–2 *Applicability.* * * *

(b) The contract is unclassified.

* * * * *

6. Section 590.355–3 is amended by rescinding paragraphs (e) and (f) thereof.

7. Section 590.355–4 is rescinded and and the following substituted therefor:

§ 590.355–4 *Contents of synopsis of contract awards.* Synopses of contract awards will contain the following information:

(a) Name of purchasing officer.

(b) Name and address of the contractor.

(c) Brief description of the commodity or service being procured; description will be clear, concise and abbreviated wherever possible, with a minimum number of words for description but sufficient for understanding by interested persons; it will consist of a minimum general description of the item or service procured and will include, when appropriate, commonly used names of supply items, basic materials from which fabricated, general size, or dimensions, etc.

(d) Statement of dollar amount, providing it does not exceed $250,000. Where the dollar amount does not exceed $250,000, it will be indicated as: "exceeds $250,000."

(e) Quantity of items, providing the dollar value of the procurement does not exceed $250,000. If the dollar value does exceed $250,000, the quantity of items procured will be omitted entirely.

(f) Statement of industries, crafts, processes or component items in or for which subcontracts are available and subcontractors are desired by prime contractors, in substantially the following form: "Prime contractor has subcontracts open for the following: (Insert here industries, crafts, processes or component item applicable)," (insert the following clause where applicable) and desires that subcontractors be located in (insert here general area indicated by prime contractor, if any, such as: Southeast states, New England, West Coast, etc.).

8. Section 590.401 (e) is added as follows:

§ 590.401 *Responsibility of each procuring activity.* * * *

(e) Responsibilities and authority of heads of procuring activities in connection with applications for relief under Title II of the First War Powers Act, 1941, as amended, etc., are set forth in § 590.903–4.

9. Section 590.601 is amended by rescinding paragraph (a) thereof and substituting the following therefor:

§ 590.601 *Documentary evidence of purchases*—(a) *Requirement.* All purchase transactions made by a Contracting Officer will be evidenced by written contracts (§ 400.201–6 of this title) on approved contract forms, as prescribed in Parts 406 and 596 of this title, and applicable Procuring Activity instructions, except:

(1) Those in which payments are made coincidentally within receipt of the supplies or services.

(2) As authorized by §§ 590.909–1 and 592.409 (c) of this chapter.

* * * * *

10. Section 590.604–9 is rescinded and the following substituted therefor:

§ 590.604–9 *Contracts entered into under authority of Title II, First War Powers Act, 1941, as amended.* Approval of awards of contracts entered into under the authority of Title II, First War Powers Act, 1941, as amended, will be required and secured in accordance with procedures contained in Subpart I of this part.

11. Sections 590.604–10, 590.604–11, and 590.604–12 are redesignated §§ 590.604–11, 590.604–12, and 590.604–13, respectively, and a new § 590.604–10 is added as follows:

§ 590.604–10 *Modifications of contracts.* (a) Any supplemental agreement, change order, or any other type of modification of a contract which has the effect of increasing the original contract price so that the total amount exceeds the monetary limitation which the Head of the Procuring Activity is authorized to approve the award of a contract will be submitted for approval to the Chief, Current Procurement Branch, Assistant Chief of Staff, G–4, Department of the Army, or the Department of the Army Power Procurement officer, as the case may be.

(b) Any supplemental agreement, change order or any other type of modification of a contract coming within the purview of § 590.604–9 above, or otherwise proposed to be entered into pursuant to the authority granted in Title II, First War Powers Act, 1941, as amended, will conform to the requirements of Subpart I of this part.

12. Section 590.605 is amended by adding paragraphs (a) (24) and (c) as follows:

§ 590.605 *Information to be furnished when requesting approval of contracts or awards.* (a) * * *

(24) Requests for approval of personnel service contracts will contain the statement or be accompanied by the certificate set forth in § 592.204–2 (b) (3) of this chapter.

* * * * *

(c) *Information required in connection with exercise of authority under Title II, First War Powers Act, 1941, as amended.* Requests for approval of contracts and modifications of contracts under the authority of Title II, First War Powers Act, 1941, as amended, will contain the information required by Subpart I, of this part.

13. Section 590.800 is rescinded and the following substituted therefor:

§ 590.800 *Scope of subpart.* This subpart sets forth (a) instructions for the preparation of the Procurement Action Report and (b) reference to Munitions Board requirements regarding actions taken under the authority of Title II, First War Powers Act, 1941, as amended. It implements the Armed Services Procurement Regulation generally rather than a specific part or section thereof.

14. Section 590.811 is added as follows:

§ 590.811 *Reports in connection with actions taken under the authority of Title II, First War Powers Act, 1941, as amended.* Reports referred to in headnote will be submitted as required in § 590.918. Such reports are additional to reporting requirements otherwise set forth in this subpart.

15. Subpart I, including §§ 590.900–590.919–1, is added as follows:

SUBPART I—EXERCISE OF AUTHORITY UNDER TITLE II, OF THE FIRST WAR POWERS ACT, AS AMENDED, AND EXECUTIVE ORDER NO. 10210

§ 590.900 *Scope of subpart.* This subpart sets forth the following matters relative to the exercise of authority under Title II of the First War Powers Act, as amended: (a) Statutory and administrative authority; (b) Limitations on authority to be exercised by the Department of the Army and its procurement activities, agents, and officers; (c) Delegations of Authority; (d) General considerations; (e) Determinations and Findings required; (f) Amendments to contracts without considerations; (g) Correction of mistakes in contracts, other than mutual mistakes and ambiguities; (h) Correction of mutual mistakes and ambiguities; (i) Formalization of informal commitments; (j) Contract clauses required; (k) Records; (l) Reports; and (m) Regulations approved by Department of Defense.

§ 590.901 *Statutory and administrative authority.* (a) Title II of the First War Powers Act, 1941, 50 U. S. Code App. 611, as amended by Public Law 921, 81st Congress, enables the President to issue Executive orders relative to procurement and incidents of the procurement function which shall be applicable without reference to existing law (such as the Armed Services Procurement Act of 1947, P. L. 413, 80th Congress).

(b) Executive Order No. 10210, February 2, 1951, authorized the Secretary of the Army, under such regulations as may be prescribed or approved by the Secretary of Defense, to exercise the authority granted in the act cited in paragraph (a) of this section.

(c) "Regulations Governing the Exercise of Certain Authority Granted by Title II of the First War Powers Act, as amended, and Executive Order No. 10210, Issued Thereunder," February 21, 1951, have been issued by the Under Secretary of the Army in concert with the Procurement Secretaries of the Navy and the Air Force, and approved by the Deputy Secretary of Defense. The Regulations are contained in §§ 438.1–438.5 of this title. Section 438.4 (c) of this title authorizes the issuance of this subpart.

§ 590.902 *Limitations on authority.* (a) The regulations referred to in § 590.901 (c) authorize the Department of the Army to exercise the authority granted by the act referred to in § 590.901 (a) and the Executive order cited in § 590.901 (b) to the actions and extent only as indicated below:

(1) Amendments of contracts without consideration.

(2) Correction of mistakes in contracts.

(3) Formalization of informal commitments.

(b) The regulations cited in § 590.901 (c) further limit the exercise of the above authority in the following respects:

(1) Approval of requests for amendments of contracts without consideration may not be delegated by the Secretary of the Army below the level of a contract adjustment board.

(2) Approval of requests for correction of mistakes and ambiguities in contracts and for formalization of informal commitments may not be delegated below the level of the Head of a Procuring Activity, without the specific authority of the Under Secretary of the Army.

§ 590.903 *Delegations of authority.*

§ 590.903–1 *To the Under Secretary of the Army.* All of the authority granted to the Secretary of the Army has been delegated to the Under Secretary of the Army.

§ 590.903–2 *To Army Contract Adjustment Board.* The following authority has been delegated to the Army Contract Adjustment Board, heretofore established in the Office of the Under Secretary of the Army:

(a) To approve all requests for amendments of contracts without consideration.

(b) To approve correction of all mistakes in contracts.

(c) To approve correction of mutual mistakes and ambiguities in contracts, and contracts formalizing informal commitments, irrespective of amount.

(d) To consider, adjust, and make final determinations of all requests for relief under this procedure and the authorities referred to in § 590.901.

(e) All authority not otherwise expressly delegated in these procedures is reserved to the Board.

§ 590.903–3 *To Assistant Chief of Staff, G–4, Department of the Army.* (a) To approve correction of mutual mistakes (as defined in § 590.908–1 (a)) and ambiguities in contracts when the estimated or actual increase in price granted or to be granted to the contractor does not exceed $50,000.

(b) To approve contracts formalizing informal commitments when the amount involved does not exceed $50,000.

(c) To redelegate all or part of the authority herein delegated to the Head of a Procuring Activity, as defined in § 400.201–4 of this title: *Provided, however,* That such authority shall not be delegated below the level of the head of a procuring activity without specific approval of the Under Secretary of the Army.

§ 590.903–4 *To the heads of procuring activities.* All of the authority delegated to the Assistant Chief of Staff, G–4, Department of the Army, as set forth in § 590.903–3: *Provided, however,* That such delegated authority may not be redelegated without specific approval of the Under Secretary of the Army through the Assistant Chief of Staff, G–4.

§ 590.903–5 *To contracting officers and field procuring agencies.* When authorized by heads of procuring activities, the authority to deny applications for relief under the authority hereinabove cited in § 590.901.

§ 590.904 *General considerations.* (a) The authority granted herein is an extraordinary one and its exercise must be carefully administered.

(b) Carelessness and laxity on the part of contractors should not be encouraged by the practice of granting relief to such contractors even though denial of relief in a particular case may result in some lack of cooperation on the part of a contractor.

(c) The exercise of authority hereunder is not intended as an alternative to compliance with the Armed Services Procurement Act of 1947, Public Law 413, 80th Congress. The design of the act, Executive order, and regulations referred to in § 590.901, is to accomplish the actions therein authorized under such authority only when normal procurement procedures are inapplicable.

(d) At all events, no action under the above-described authority should be taken or recommended to higher authority unless the officer or official required to take such action or make such recommendation, is firmly and clearly convinced that the action is necessarily and urgently required to facilitate the national defense.

(e) (1) Proper exercise, or recommendation of exercise, of the authority granted under Title II of the First War Powers Act, 1941, as amended, and Executive Order 10210, will be facilitated, if it is clearly understood that the basic law is in part substantive, and in part, procedural.

(2) With respect to amendment of contracts without consideration; elimination of the general requirement of advertisement, competitive bidding and certain bonds; and formalization of informal commitments, the authority is substantive, in that such authority is in derogation of existing substantive law. E. g., existing law requires that no official of the government may amend a contract so as to disburse government funds or release a vested right of the government, without consideration. The authority granted herein changes that law as long as this procedure is effective.

(3) With respect to such matters as the correction of mistakes, or remission of liquidated damages in cases where delays are not excusable, the authority granted herein does not change substantive law, but only changes procedure. E. g., except for the authority herein granted mistakes in bid, etc., particularly after award, can be corrected only by the Comptroller General; likewise, remission of liquidated damages on an equitable basis; advance payments could be approved by the Secretary only. This authority permits other officials to perform these functions, but does not change the basic law as to the circumstances under which these functions may be performed.

(4) Therefor, when acting, or recommending action in cases which are in derogation of substantive law (such as

subparagraph (2) of this paragraph), the justification for such action must be clear and convincing because, on one hand, the contractor has no further recourse to the courts; and on the other hand the Government would not be in a position to correct errors other than in cases of fraud.

(5) However, when acting, or recommending, action in cases where procedure only has been changed (such as subparagraph (3) of this paragraph), any doubts as to the propriety of granting relief should be resolved in favor of the government, because the contractor is still in a position, after denial of relief, to pursue his normal remedies. And if the official passing on the case is of the opinion that normal channels should be followed, e. g. to the Comptroller General, there is no prohibition against following them.

(6) Even if the applicant appears to be entitled to relief under basic law and regulation, however, it is reiterated and emphasized that such relief cannot be granted under this authority unless a finding can be made to the effect that the granting of such relief will facilitate the national defense.

(f) Applications for relief will be reviewed and passed upon only with full consideration of the provisions of this section.

(g) All determinations and findings required by § 590.905 will be made.

(h) The determination of whether in a particular case a contract amendment to be entered into without consideration, or the correction of a mistake or ambiguity in a contract, or the formalization of an informal commitment will facilitate the national defense is a matter of sound judgment to be made on the basis of all of the facts of such case. Although it is obviously impossible to predict or enumerate all the types of cases with respect to which relief may appropriately be granted, examples of certain cases or types of cases where relief may be proper are set forth below. Such enumeration is not intended to exclude other cases where the circumstances are such as to warrant the granting of relief, and even in the enumerated cases other factors may result in a denial of relief.

§ 590.905 *Determinations and findings.* (a) Any action taken or recommended to high authority under this subpart must be based on a written finding that the national defense will be facilitated thereby.

(b) With respect to the correction of mutual mistakes, as defined in § 590.908–1 (a) and ambiguities, and the formalization of informal commitments, the Under Secretary of the Army has made general determinations and findings in paragraphs (b) and (c) of the examples set forth in § 438.2 (b) of this title, which may be referred to in contracts, amendments to contracts, and reports and recommendations.

(c) As to all amendments of contracts without consideration and correction of mistakes, other than mutual mistakes as defined in § 590.908–1 (a) each contract and amendment to contracts will contain an individual affirmative finding and each report and recommendation will contain an individual affirmative or negative finding, with respect to the facilitation of the national defense.

§ 590.906 *Amendments to contracts without consideration.*

§ 590.906–1 *Conditions under which relief may be granted or recommended.* (a) Where an actual or threatened loss on a defense contract, however caused, will impair the productive ability of a contractor whose continued operation as a source of supply is found to be essential to the national defense, the contract will generally be equitably adjusted to the extent necessary to avoid such impairment of the contractor's productive ability.

(b) Where a contractor suffers a loss (not merely diminution of anticipated profits) on a defense contract as a result of Government action, the character of the Government action will generally determine whether any adjustment in the contract will be made and its extent.

(1) Where the Government action is directed primarily at the contractor and is taken by the Government in its capacity as the other contracting party, the contract may be equitably adjusted if fairness so requires. Thus where such Government action, although not creating any liability on its part, increases the cost of performance, considerations of fairness make appropriate some equitable adjustment in the contract.

(2) When the action is not taken by the Government in its capacity as the other contracting party, but in its sovereign capacity, relief will generally not be granted. However, exceptional cases, depending on the nature of the action, the circumstances, and the effect on the contractor, may require an equitable adjustment in the contract when necessary to insure maximum cooperation and production in the national defense effort.

(c) Relief recommended in appropriate cases, may include such action as (1) termination of contract without cost to either party; (2) amendment to contract increasing the contract amount; (3) revision of delivery schedules; (4) other actions appropriate in the circumstances.

§ 590.906–2 *Administrative procedures*—(a) *Contractor's application.* (1) Written requests for amendments of contracts without consideration shall be filed by contractors with the contracting officer administering the contract or his properly appointed successor, in quadruplicate.

(2) In the event that such request refers to contracts with more than one purchasing office or procuring activity, it shall be submitted initially to the contracting officer administering the contract or contracts involving the greatest amount (or aggregate amount if administering more than one contract) of the procuring activity under which the largest total dollar value of contracts has been awarded as of the date of the application.

(3) The contractor's request for relief shall be substantially in the form set forth in § 590.906–3 (a), and shall contain, as a minimum requirement, the information requested in such form. Necessary adaptations may be made when required, as in applications involving more than one contract.

(b) *Action by contracting officer.* (1) The contracting officer will review the application and verify the contents thereof.

(2) If further information is required, request the contractor to furnish the same, in writing.

(3) If in the opinion of the contracting officer the application does not justify the granting of the relief sought after consideration of §§ 590.904 and 590.906–1, a written finding may be furnished to the contractor in substantially the form indicated in § 590.906–3 (b), providing such action is authorized by procuring activity instructions.

(4) If the opinion of the contracting officer, after consideration of the provisions of §§ 590.904 and 590.906–1, the application should be granted, and when otherwise required by procuring activity instructions, an indorsement in triplicate, inclosing three copies of the contractor's application, exhibits, and contractual documents, shall be forwarded to the head of the procuring activity, in accordance with instructions issued by such head of the procuring activity, setting forth as a minimum the following information (See suggested form for indorsement in § 590.906–3 (c)):

(i) That the application has been reviewed and the facts therein stated are certified to be substantially correct, except as specifically indicated.

(ii) A brief description of the contract, including reference to any special pricing clauses.

(iii) Whether final payment has been made, or any final administrative determination made of the amount due.

(iv) The importance of the contract or the contractor to the furtherance of the national defense effort, indicating present or future need for the item.

(v) The quality of performance by the contractor.

(vi) Present status of deliveries and payments.

(vii) Probable future orders to the contractor on other national defense work.

(viii) Other available sources of supply in comparison with the contractor.

(ix) A statement of the factors causing financial distress.

(x) If relief is recommended involving an increase in price, whether appropriated funds are sufficient to cover the proposed or requested additional payment to the contractor.

(xi) Whether appropriated funds allocated to other departments are involved; if such funds are involved, name the department.

(xii) An opinion on the merits as to whether the requested relief should be granted, or to what extent the same or alternative relief should be granted.

(xiii) A specific recommendation as to the nature of, and extent to which relief should be granted.

(xiv) A statement of opinion as to whether the granting of such relief will facilitate the national defense effort.

(5) Contractual documents and invitations to bid or requests for proposals, and abstracts thereof, will be submitted in duplicate.

(6) The contracting officer's indorsement will be forwarded through such channels and be reviewed and approved by such intermediate offices and commands as may be required by procuring activity instructions.

(c) *Action by intermediate reviewing agencies.* (1) Each echelon reviewing and passing upon such applications subsequent to the contracting officer's review and verification will review and verify the contents of the application to the fullest extent practicable: *Provided, however,* That in any case such echelons of review are authorized to rely fully upon the verification made by the contracting officer unless unusual circumstances require further verification.

(2) Make specific findings on the merits and specific recommendations with respect to whether, and the extent to which, the application should be approved or denied.

(3) Make a specific finding as to whether the national defense would be facilitated by the granting of the application.

(4) Heads of procuring activities are authorized to require all applications to be forwarded and initial determinations denying applications to be made in the office of the head of procuring activity or in any lower echelon, including the contracting officer.

(d) *Action by heads of procuring activities.* (1) Heads of procuring activities will take appropriate action as required by § 590.906–2 (c).

(2) Heads of procuring activities are authorized to deny applications without further reference to the Army Contract Adjustment Board. Appropriate written findings and determinations will be made and furnished to applicants by such agencies as may be designated by the head of the procuring activity for that purpose, including the contracting officer.

(3) If in the opinion of the head of the procuring activity, after consideration of the provisions of §§ 590.904 and 590.906–1 the application should be granted, and endorsement in duplicate, enclosing copies in duplicate of the contractor's application, all indorsements and findings, and attached papers, shall be forwarded direct to the Army Contract Adjustment Board, Office of the Under Secretary of the Army, Washington 25, D. C., recommending approval to the extent noted in such indorsement.

(e) *Action in cases of general public interest or doubt.* (1) In any case where any of the officers above-mentioned is of the opinion that the application should not be granted in whole or in part, but when in their judgment there is a serious doubt as to whether the relief should be granted or denied, or when the matter is believed to be of such general public interest that the initial determination denying the application should be made by a higher echelon, such officer may forward such application to the next higher echelon, including the Army Contract Adjustment Board with appropriate findings, recommendations, and determinations.

(2) Cases forwarded under the authority of this paragraph should explain fully the reasons why it is believed that consideration should be given to the application by the higher echelon.

§ 590.906–3 *Forms*—(a) *Contractor's application.*

(Firm Letterhead)

Capt. JOHN DOE (Date)
Contracting Officer

(Address)

Subject: Request for Relief Under Title II, First War Powers Act, 1941, as Amended.

DEAR SIR:

1. The undersigned hereby makes application for the following relief pursuant to Title II of the First War Powers Act 1941, as amended:

(State briefly relief desired including specific amounts claimed, if any)

---

2. The undersigned believes that he(it) is entitled to the above-mentioned relief by reason of the following facts: ---

---

(Explain factors causing financial distress)

3. In support of such application the following statements are made.

a. Contract No. ---
b. Item ---
c. Date executed ---
d. Specification No. ---
e. Unit price ------ Total amount ------
f. Delivery schedule:

Quantity	*Date*
---	---
---	---
---	---
---	---
Total quantity ----	---

g. Deliveries made:

---	---
---	---
---	---
---	---

h. Payments received:

Amount	*Date*
---	---
---	---
---	---
---	---

i. Final payment, or a final administrative determination of the amount due has ------ has not ------ been made. (Check appropriate box.)

j. Attached hereto and marked Exhibit "A" is a statement and analysis of the financial condition of the undersigned as of ---

(Date not more than 15 days prior to date of application)

with comparative balance sheets and profit and loss statements for the preceding twelve-month period, signed by the principal accounting officer of the undersigned ------ a certified public accountant ------. (Check appropriate box.)

k. If the relief requested is denied, the effect upon the financial condition of the undersigned will be as follows: ---

---

l. The rate of production of the contract item up to and including the date of this application has averaged ------ per ------.

Quantity (Day, week or other period)

--- ---

---

m. To date there have been submitted ------ lots consisting of ---------- units per lot, of which ---------- lots consisting of a total of ---------- units have been rejected upon first submission. Of the rejected lots ------ lots consisting of a total of ---------- units were thereafter resubmitted and accepted, and ---------- lots consisting of ---------- units were again rejected.

n. (1) As of the date of this application the undersigned and/or its subsidiaries have submitted bids and/or proposals on the following Invitations for Bid and/or Requests for Proposals, upon which contracts have as yet not been awarded:

I/B or Request Nos. ------ Issuing Office ------ Item ------ Price quoted ------.

(2) The undersigned and/or its subsidiaries have been awarded the following contracts which are now being performed:

Contract Nos. ------ Issuing Office ------ Item ------ Price ------.

o. Upon information and belief, there are ------ are not ------ other sources of supplies for the items furnished by the undersigned. (Check appropriate box.)

p. Attached hereto and marked Exhibit "B" is a statement covering the twelve-month period prior to the date of this application, of salaries, bonuses, dividends (including cash, stock or "in kind"), repayments of loans, and any other property and/or moneys paid or transferred to any officer, stockholder, director, partner or other principal of the undersigned, and a statement of moneys or other property of the undersigned received by or loaned to the aforementioned officials of the undersigned, during said twelve-month period.

q. The increase in amount requested herein will ------ will not ------ result in a total payment to the undersigned in excess of the ceiling price for the supplies or services furnished under the contract or contracts above mentioned.

r. Previous application has ----- has not ----- been made for the same or similar relief sought herein. (Check appropriate box; if box marked "has" is checked, complete the following sentence.) Such previous application was made to ------, located at ------- (State agency where application was filed) under date of --------, and has been assigned claim Number --------. The nature of the request made therein was:

Action taken thereon was as follows: ---

---

s. This claim has ------ has not ------ been assigned. If assigned, such assignment has been made pursuant to the Assignment of Claims Act of 1940, as amended to

---

(Name of assignee)

of ---;

t. Additional facts and circumstances believed to justify granting of relief sought

---

---

4. The undersigned affirms that the statements made above, including those made in exhibits and attachments hereto, are true to the best of his knowledge and belief.

Incls:

Name of firm (print or type)

Signature

Print or type name and title of person signing

(b) *Denial of application.*

Gentlemen (Dear Sir or Madam):

Receipt is acknowledged of your application, dated ---------- for relief pursuant to Title II of the First War Powers Act, 1941, as Amended.

After due consideration of your application, the undersigned finds the following facts: (use appropriate findings as required).

By reason of the above, it is determined that the national defense would not be facilitated by the granting of your application.

It is therefore regretted that your application must be, and hereby is, denied.

JOHN DOE,
Captain, Ord.,
Contracting Officer.

(c) *Contracting officer's indorsement recommending approval of application.*

Heading and date.
Addressee and address.
1. The foregoing application of _____
_____
has been reviewed, and the facts therein stated are hereby certified to be substantially correct, except as follows: _____
_____
(State any corrections required)
2. The description of the contract as contained in contractor's application is correct, except as follows: _____
Special pricing clauses contained therein are as follows:
3. Final payment has _____ has not _____ been made, nor has any final administrative determination of the amount due been made.
4. The importance of the contract or contractor to the furtherance of the national defense effort is _____
(Indicate also present or future need for the item)
_____
_____
5. The quality of performance by the contractor is found to be _____
_____
6. Present status of deliveries is as follows:

Delivery schedule

Quantity	*Date*
_____	_____
_____	_____
_____	_____

Deliveries made

Quantity	*Date*
_____	_____
_____	_____
_____	_____

7. Present status of payments is as follows:

Amount	*Date*
_____	_____
_____	_____
_____	_____

8. Probable future orders to the contractor on other national defense work consist of
_____
_____
_____
9. Other available sources of supply in comparison with the contractor are: _____
_____
_____
_____
10. The factors causing financial distress were _____ were not _____ caused by an act of the Government in its contracting _____ sovereign _____ capacity, to wit: _____
_____
_____
11. Appropriated funds are _____ are not _____ sufficient to cover the proposed additional payment to the contractor.
12. Appropriated funds allocated to other Departments are _____ are not _____ involved. The Department concerned is _____
_____.
13. In the opinion of the undersigned, the requested relief should be granted to the following extent and for the following reasons: _____
_____
(or state alternative relief recommended)
_____
_____
_____
14. In the opinion of the undersigned the granting of such relief will _____ will not _____ facilitate the national defense effort.

JOHN DOE,
Captain, QMC,
Contracting Officer.

§ 590.907 *Correction of mistakes in contracts (other than mutual mistakes and ambiguities).*

§ 590.907–1 *Conditions under which relief may be granted.* (a) Criteria for determination and recommendations with respect to correction of mistakes in contract (other than mutual mistakes, as defined in § 590.908–1 (a)) and ambiguities, are identical with those contained in § 590.906–1.

§ 590.907–2 *Administrative procedures.* (a) The procedure set forth in § 590.906–2 is applicable to applications for correction of mistakes other than mutual mistakes (as defined in § 590.908–1 (a)) and ambiguities.

(b) In addition to information required by paragraph (a) of this section, the applicant will be required to submit supporting evidence of the alleged mistake such as work sheets or other data used in preparing the bid or proposal, as well as the complete facts on which the allegation of mistake is based.

(c) The contracting officer will indicate in his indorsement the date when a notice of the alleged mistake was received and annex copies of any written notice thereof received by him, as well as triplicate copies of (1) the invitation for bids or request for proposals; (2) abstract of bids or summary of proposals; (3) contractual documents.

§ 590.907–3 *Forms.* Forms set forth in § 590.906–3 are applicable.

§ 590.908 *Correction of mutual mistakes and ambiguities.*

§ 590.908–1 *Conditions under which relief may be granted.* (a) For the purpose of exercising authority, under the statutory and administrative authority cited in § 590.901, only, the term "mutual mistake" includes: (1) A mistake which consists of the failure to express in a written contract the agreement as both parties understood it.

(2) A mistake on the part of the contractor which is so obvious that it was, or should have been, apparent to the contracting officer.

(3) A mutual mistake as to a material fact.

(b) Mutual mistakes, as defined in paragraph (a) of this section, and ambiguities may be corrected at the level of the head of a procuring activity under the authority of the statutory and administrative authorities cited in § 590.901 only if:

(1) The actual or estimated increase in cost to the Government will not, in the opinion of the head of the procuring activity, exceed $50,000. Such opinion must be affirmatively stated as a finding of fact.

(2) The requested correction of mutual mistake or ambiguity must not deal with or directly affect any matter under the contract which has been referred to, or is pending before, or has been decided by, the General Accounting Office.

(3) The contractor has furnished written notice of the mistake or ambiguity to the contracting officer (i) before completion of performance of the contract by the contractor or (ii) prior to the issuance of a notice of termination for convenience or default, as the case may be.

(4) Final payment, approval of a final voucher, or a final administrative determination of the amount due has not been made under the contract.

(5) The correction will not result in payment to the contractor of a sum, which when added to other payments made under the contract, exceeds the amount of the next lowest responsive bid of a responsible bidder (in the case of contracts entered into after formal advertising).

(6) The correction will not result in payment to the contractor of a sum, which, when added to other payments made under the contract, exceeds the amount of any other proposal considered in the negotiations (in the case of negotiated contracts). Where the contract was placed on the basis of considerations other than price, this limitation shall not be applicable.

(7) Notice of allegation of mistake, oral or written, has not been furnished to the contracting officer (i) before award of a contract entered into after formal advertising or (ii) before award of a negotiated contract upon a form not requiring execution by both contracting parties or (iii) before execution of negotiated contracts entered into on forms requiring signatures of two or more parties.

(c) Mutual mistakes (as defined in § 590.908–1 (a)) and ambiguities, notice or allegation of which have been furnished to the contracting officer (1) prior to opening of bids or (2) before award of contracts will be corrected and processed as required by the provisions of §§ 401.405—401.405–3 and 591.405 of this title. Such alleged mistakes will not be processed under the authority of this subpart.

(d) Cases involving an estimated or actual increase in the amount to be paid to the contractor, exceeding $50,000, or in which final payment or final determination of the amount due has been made, will be processed to the Army Contract Adjustment Board in accordance with § 590.908–2 and procedures issued by the Board.

§ 590.908–2 *Administrative procedure.* (a) This procedure is applicable to the type of mistake and ambiguity only as set forth in § 590.908–1 (a).

(b) *Contractor's application.* The contractor will submit, in quadruplicate, an application for relief, substantially in the form set forth in § 590.908–3 (a). In addition thereto, he will submit supporting evidence of the alleged mistake such as work sheets used in preparing the bid or proposal or other data, as well as the complete facts on which the allegation of mistake is based.

(c) *Action of contracting officer.* (1) The contracting officer will examine and review the application.

(2) If further information is required request the contractor to furnish the same in writing.

(3) If, after consideration of the elements set forth in §§ 590.904 and 590.908–1 he determines that the application under this authority should be denied, and provided such action is authorized by procuring activity instructions, he will prepare written findings

of fact and a determination which will be mailed, or otherwise furnished to the contractor. The contractor will be informed that he may, if he so desires, submit a claim to the Comptroller General under existing law and regulation other than Title II of the First War Powers Act, 1941, as amended; and that denial of relief under this authority is not necessarily a determination that the contractor is not entitled to relief under normal procedures.

(4) If after consideration of the elements set forth in §§ 590.904 and 590.908–1 the contracting officer is of the opinion that the application should be granted, or if otherwise required by procuring activity instructions, the contracting officer will prepare an indorsement in triplicate setting forth as a minimum the following facts:

(i) That the contractor's application has been examined and reviewed.

(ii) A brief description of the contract including any special pricing clauses.

(iii) That the facts therein stated are certified to be substantially correct except as specifically indicated.

(iv) The date when notice of the alleged mistake was received, annexing copies of any written notice.

(v) The quality of performance by the contractor.

(vi) Present status of deliveries and payments.

(vii) That final payment has not been made, nor any final administrative determination made of the amount due.

(viii) Other available sources of supply in comparison with the contractor.

(ix) The importance of the contract or the contractor to the furtherance of the national defense effort, including present or future need for the item.

(x) An opinion on the merits as to whether the requested relief should be granted, and the extent thereof recommended for approval. In the alternative, a recommendation of what relief should be granted other than that requested by the contractor.

(xi) If relief is recommended involving an increase in price, whether appropriated funds are sufficient to cover the proposed additional payment to the contractor.

(xii) Whether appropriated funds allocated to other departments are involved; if such funds are involved, name the department.

(xiii) That the granting of such relief will facilitate the national defense effort. Reference may be made to the general finding of the Under Secretary of the Army contained in paragraph (b) of the examples set forth in § 438.2 (b) of this title.

(5) The following documents will be inclosed, in triplicate:

(i) Invitation for bids or request for proposals.

(ii) Abstract of bids or summary of proposals.

(iii) Contractual documents.

(6) The contracting officer's indorsement and inclosures will be forwarded, in triplicate, through such channels and be reviewed and approved by such intermediate offices and commands as may be required by procuring activity instructions.

(d) *Action by intermediate reviewing agencies.* (1) Each echelon reviewing and passing upon such applications subsequent to the contracting officer's review and verification will review and verify the contents of the application to the fullest extent practicable, provided, however, that in any case such echelons of review are authorized to rely fully upon the verification made by the contracting officer unless unusual circumstances require further verification.

(2) Make specific findings on the merits and specific recommendations with respect to whether the application should be approved or denied.

(3) Make a specific finding as to whether the national defense would be facilitated by the granting of the application.

(4) Heads of procuring activities are authorized to require all applications to be forwarded and initial determinations denying applications to be made in the office of the head of the procuring activity or in any lower echelon, including the contracting officer.

(e) *Action by heads of procuring activities.* (1) Heads of procuring activities will take appropriate action as required by § 590.908–2 (d).

(2) Heads of procuring activities are authorized to deny applications without further reference to the Army Contract Adjustment Board. Appropriate written findings and determinations will be made and furnished to applicants by such agencies as may be designated by the head of the procuring activity for that purpose, including the contracting officer.

(3) If in the opinion of the head of procuring activity, after consideration of the provisions of §§ 590.904 and 590.908–1 and subject to the limitation contained in § 590.908–1 (d), that the application should be granted, written findings of fact will be prepared and furnished to the contracting officer together with proper instructions relative to amendment or termination of the contract.

(4) In cases involving an increase in price in excess of $50,000, if in the opinion of the head of the procuring activity, the application should be granted, an indorsement in duplicate, inclosing two copies of the contractor's application and all indorsements and findings, shall be forwarded direct to the Army Contract Adjustment Board, Office of the Under Secretary of the Army, Washington 25, D. C., recommending approval to the extent noted in such indorsement.

(f) *Action in cases of general public interest or doubt.* (1) In any case where any of the officers above-mentioned is of the opinion that the application should not be granted in whole or in part, but when in their judgment there is a serious doubt as to whether the relief should be granted or denied, or when the matter is believed to be of such general public interest that the initial determination denying the application should be made by a higher echelon, such officer may forward such application to the next higher echelon, including the Army Contract Adjustment Board with appropriate findings, recommendations and determinations.

(2) Cases forwarded under the authority of this paragraph should explain fully the reason why it is believed that consideration should be given to the application by the higher echelon.

§ 590.908–3 *Forms*—(a) *Contractor's application.* (1) Application shall be made on a form substantially similar to that set forth in § 590.906–3 (a), except that subject will be referred to as follows:

Subject: Request for correction of Mistake Under Title II, First War Powers Act, 1941, As Amended.

(2) In cases where the requested or estimated increase in cost does not exceed $5,000, heads of procuring activities may authorize omission of replies to items 3j and 3p.

(3) The applicant will submit satisfactory evidence of the alleged mistake, including, but not limited to, original work sheets.

(b) *Denial of application.* Form set forth in § 590.906–3 (b) may be adapted.

(c) *Contracting officer's indorsement recommending approval of application.* Form suggested in § 590.906–3 (c) may be used and/or adapted.

§ 590.909 *Formalization of informal commitments.*

§ 590.909–1 *Conditions under which relief may be granted.* (a) Where any person has arranged to furnish or has furnished, on or after June 25, 1950, to a contracting agency of the Department of the Army or (at the request of such agency) to a defense contractor any materials, services, or facilities relating to the national defense, without a formal contract, relying in good faith upon the apparent authority of an officer or agent of such contracting agency, written or oral instructions, or any other request to proceed from a contracting agency, such contracting agency may enter into an appropriate contract providing fair compensation therefor. The formalization of informal commitments may be finally approved at the level of the head of a procuring activity when the amount involved does not exceed $50,000. Where the amount involved exceeds $50,000, the case will be processed to the Army Contract Adjustment Board in accordance with § 590.909 (d) and procedures issued by the Board.

(b) The above authority shall not be used (1) as a substitute for modification of existing contracts in accordance with existing regulations or (2) for the purpose of eliminating competition. Where the instruction or request to proceed were of the type which, when given, could properly have been embodied in a change order, supplemental agreement, or other amendment under a then existing contract, this authority will not be exercised if final payment has been made under such contract.

(c) Informal commitments shall be made only in situations where the need therefor is compelling and of unusual urgency, as when the national defense would be seriously impaired or impeded, if the supplies or services were not furnished before the contracting agency has an opportunity to prepare the necessary contractual forms. See also

§ 592.409 (c) of this chapter. The following are illustrative of circumstances with respect to which this authority may be used:

(1) Supplies or services needed at once because of a fire, flood, explosion or other disaster.

(2) Essential equipment for or repair to a ship when such equipment or repair is needed at once for compliance with the orders of the ship.

(3) Essential equipment for, or repair to, aircraft grounded or about to be grounded, when such equipment or repair is needed at once for the performance of an operational mission.

(4) Supplies or services needed at once because of requirements of operational missions or emergencies, and so certified in advance by the head of a procuring activity.

(d) Resultant contracts formalizing informal commitments shall contain a finding of fact justifying the informal commitment as well as the action of formalization.

(e) Compensation shall be awarded or recommended in an amount which provides fair compensation for the services or supplies furnished. Fair compensation will normally be the reasonable market value of the supplies or services furnished at the time and place furnished, including such considerations as extra cost involved in immediate compliance with informal commitment or necessary performance and delivery during other than normal business hours.

§ 590.909–2 *Administrative procedure*—(a) *Contractor's application.* Written requests for formalization of informal commitments shall be filed by contractors with the purchasing office which entered into the commitment, in quadruplicate, within ten days after completion of performance of the informal commitment. The request shall be substantially in the form set forth in § 590.909–3 (a).

(b) *Action by contracting officer.* (1) The contracting officer will review the application and verify the contents thereof.

(2) If further information is required, request the contractor to furnish the same in writing.

(3) If in the opinion of the contracting officer (i) an informal commitment was not entered into, or (ii) such informal commitment was made by an unauthorized person, or (iii) the contractor should not as a reasonably intelligent businessman have relied upon the apparent authority of a person who ordered the supplies, services or construction, a written finding will be furnished to the contractor to that effect, setting forth appropriate findings of fact, providing such action is authorized by procuring activity instructions.

(4) If in the opinion of the contracting officer, after consideration of the provisions of §§ 590.904 and 590.909–1, the application should be granted, an indorsement in triplicate, inclosing three copies of the contractor's application, shall be forwarded to the head of the procuring activity, in accordance with instructions issued by such head of procuring activity, setting forth as a minimum, the following information (see suggested form in § 590.909–3 (b).

(i) That the application has been reviewed and the facts therein stated are certified to be substantially correct except as specifically indicated.

(ii) That no payments have been made, nor any final administrative determination made of the amount due.

(iii) The importance of the material furnished or work performed to the furtherance of the national defense effort.

(iv) The quality of performance by the contractor.

(v) Present status of deliveries.

(vi) Whether appropriated funds are sufficient to cover the proposed payment to the contractor.

(vii) Whether appropriated funds allocated to other departments are involved; if such funds are involved, name the department.

(viii) A statement of the reasons why an informal commitment was necessary, and why an authorized form of contract could not have been prepared and processed before the supplies or services involved were furnished to the Government.

(ix) That the informal commitment was entered into by an authorized individual, and, if prior approval was required, that such prior approval was obtained from the proper authority.

(x) That the fair compensation for the supplies or services furnished or construction performed is as stated. Justification shall be set forth as to amount by reference to the reasonable market price or other reasonable price at the time and place of delivery or performance.

(xi) A specific recommendation as to the proposed contract or purchase order or modification of a then existing contract to be issued, including unit price (where applicable) and total contract amount. The proposed contract or modification should be annexed.

(xii) A finding that the national defense would be facilitated by granting of the relief requested.

(5) The contracting officer's indorsement will be forwarded through such channels and be reviewed and approved by such intermediate offices and commands as may be required by procuring activity instructions.

(c) *Action by intermediate reviewing agencies.* (1) Each echelon reviewing and passing upon such applications subsequent to the contracting officer's review and verification will review and verify the contents of the application to the fullest extent practicable: *Provided, however,* That in any case such echelons of review are authorized to rely fully upon the verification made by the contracting officer unless unusual circumstances require further verification.

(2) Make specific findings on the merits and specific recommendations with respect to whether the application should be approved or denied.

(3) Make a specific finding as to whether the national defense would be facilitated by the granting of the application.

(4) Heads of procuring activities are authorized to require all applications to be forwarded and initial determinations denying applications to be made in the office of the head of the procuring activity or in any lower echelon, including the contracting officer.

(d) *Action by heads of procuring activities.* (1) heads of procuring activities will take appropriate action as required by § 590.909–2 (d).

(2) Heads of procuring activities are authorized to deny applications without further reference to the Army Contract Adjustment Board. Appropriate written findings and determinations will be made and furnished to applicants by such agencies as may be designated by the head of the procuring activity for that purpose, including the contracting officer.

(3) If in the opinion of the head of the procuring activity, after consideration of the provisions of §§ 590.904 and 590.909–1 and subject to the limitation contained in § 590.909–1, the application should be granted, written findings of fact will be prepared and furnished to the contracting officer together with proper instructions as to the form of and required clauses to be inserted in resultant contracts.

(4) In cases involving contracts exceeding $50,000 in amount, if in the opinion of the head of the procuring activity, the application should be granted, an indorsement in duplicate, inclosing two copies of the contractor's application and all indorsements and findings, shall be forwarded directly to the Army Contract Adjustment Board, Office of the Under Secretary of the Army, Washington 25, D. C., recommending approval to the extent noted in such indorsement.

(e) *Action in cases of general public interest or doubt.* (1) In any case where any of the officers above-mentioned is of the opinion that the application should not be granted in whole or in part, but when in their judgment there is a serious doubt as to whether the relief should be granted or denied, or when the matter is believed to be of such general public interest that the initial determination denying the application should be made by a higher echelon, such officer may forward such application to the next higher echelon, including the Army Contract Adjustment Board with appropriate findings, recommendations and determinations.

(2) Cases forwarded under the authority of this paragraph should explain fully the reason why it is believed that consideration should be given to the application by the higher echelon.

§ 590.909–3 *Forms*—(a) *Contractor's application.*

(Firm Letterhead)

Capt. JOHN DOE Date ----------
Contracting Officer
(Address)

Subject: Request for Formalization of Informal Commitment Under Title II, First War Powers Act, 1941, As Amended.

DEAR SIR:

1. The undersigned hereby makes application for formalization of the hereinafter described informal commitment pursuant to Title II of the First War Powers Act, 1941, as amended.

2. The undersigned was ordered by _____ _____ orally _____ (Name of individual order: services or supplies) in writing _____ to furnish the services described in paragraph 3, below. Such oral order was given in person _____ by telephone _____ by the aforementioned to_____ _____ (Name) _____ of this firm on the _____ day of _____ 19____. A true copy of the written order above-mentioned is attached hereto. (Complete applicable information or attach written order.)

3. Such order required the undersigned to furnish the following supplies or services, at _____ (Place of performance) on _____ (Date or dates of required performance) _____ (Detail supplies or services ordered) _____ _____ _____

4. The circumstances under which the above-mentioned supplies or services were ordered, to the best of my knowledge and belief were as follows: _____ _____ (State circumstances if known) _____

5. Pursuant to such order the following supplies or services were furnished at _____ _____ (Place or installation) on _____ (Date or duties of performance) _____ (List supplies and services furnished) _____

6. a. The fair and reasonable value of the supplies and services furnished, at the time and place furnished is _____ (Amount) Attached hereto is analysis of the cost and price of the supplies or services furnished, indicating profit separately. (Attach Cost and Price Analysis.)

b. The above-mentioned amount does ____ does not ____ exceed the applicable ceiling price for the supplies or services furnished.

7. The following payments have been received:

Date	*Amount*
_____	_____
_____	_____
_____	_____

8. Final payment, or final administrative determination of the amount due has ____ has not ____ been made. (Check appropriate box.)

9. Previous application has ____ has not ____ been made for the relief sought herein. (Check appropriate box; if the box marked "has" is checked, complete the following sentence.) Such previous application was made to _____, located at _____ (State agency where application was filed) _____ under date of _____. The nature of the request made therein was: _____ _____ _____ _____ Action taken thereon was as follows:____ _____ _____

10. This claim has _____ has not _____ been assigned. If assigned, such assignment has been made pursuant to the Assignment of Claims of 1940, as amended, to _____, _____ (Name of assignee) of _____. (Attach three signed (Address) copies of assignment and three signed copies of assignee's notice.)

11. Additional facts and circumstances believed to justify granting of relief sought: _____ _____ _____

12. The undersigned affirms that the statement made above, including those made in exhibits and attachments hereto are true to the best of his knowledge and belief. _____ Name of firm (print or type) _____ (Signature) _____ Print or type name and title of person signing

(b) *Contracting officer's indorsement recommending approval of application.*

1st Ind.

Heading and date.
Addressee and address.

1. The foregoing application of _____ _____ has been reviewed, and the facts therein stated are hereby certified to be substantially correct, except as follows: _____ (State any corrections required) _____ _____

2. The informal commitment was entered into substantially as stated by the contractor in paragraphs _____ and _____ of his application, except as follows: _____ _____ _____

3. The circumstances under which the above-mentioned informal commitment was made, and the reasons why such informal commitment was necessary, are as follows: _____ _____ _____

4. The person who ordered the supplies or services, _____, was duly authorized so to do by _____, (State authorization) (or had apparent authority to issue the order). Strike out inapplicable words.

5. The supplies and/or services furnished to the Government pursuant to such informal commitment related to national defense and were as follows; _____ _____ _____ _____

6. The above supplies and/or services were furnished at _____ _____ (Location) on _____ (Date or dates)

7. The undersigned finds that the fair and reasonable value of the supplies and services furnished, at the time and place furnished, is $_____; and that that sum would constitute fair compensation to the applicant.

8. The following payments have been made to the contractor:

Date	*Amount*
_____	_____
_____	_____
_____	_____

9. Final payment, or a final administrative determination of the amount due has_____ has not_____been made.

10. Appropriated funds are_____are not _____sufficient to cover the proposed payment to the contractor.

11. Appropriated funds allocated to other Departments are_____are not_____involved. The Department concerned is_____ _____.

12. In the opinion of the undersigned a formal contract (purchase order) (or modification) should be issued formalizing the above-mentioned informal commitment, at a unit price of $_____, total amount $_____ substantially in the form annexed hereto.

13. In the opinion of the undersigned the granting of such relief will_____will not _____facilitate the national defense effort.

JOHN DOE,
Captain, QMC,
Contracting Officer.

§ 590.916 *Contract clauses required.* (a) All contracts and amendments to contracts made under the authority of this subpart, shall:

(1) Make reference to Title II, First War Powers Act, 1941, as amended and Executive Order No. 10210, February 1951.

(2) Contain a statement of the facts and circumstances which justify action.

(3) Include a finding that the national defense is facilitated thereby; and

(4) Include the following clause:

(a) The Contractor (which term as used in this clause means the party contracting to furnish the supplies or perform the work required by this contract) agrees that the Comptroller General of the United States or any of his duly authorized representatives shall have access to and the right to examine any pertinent books, documents, papers, and records of the Contractor involving transactions related to such contract.

(b) The Contractor agrees to insert the provisions of this clause, including this paragraph (b), in all subcontracts hereafter made.

(5) Include a statement regarding the approval obtained indicating specifically the office or officer duly authorized to make, and who granted, such final approval.

§ 590.917 *Records.* Complete written data, including, but not limited to memorandum to file of personal conferences and telephone conversations and all approvals or denials of application shall be maintained in the contracting officer's files as the office of record. Such data shall be available for inspection by authorized personnel at all times.

§ 590.918 *Reports.*

§ 590.918–1 *Amendments without consideration, correction of mistakes and formalization of informal commitments.* (a) A report will be rendered quarterly by each head of a procuring activity relative to claims received and actions taken pursuant to authority contained in §§ 590.906–590.909.

(b) The reports will cover the periods July 1 through September 30; October 1 through December 31; January 1 through March 31; and April 1 through June 30, of each year, commencing in 1951.

(c) Heads of procuring activities will consolidate information obtained from all purchasing offices (as defined in § 590.253–1); and forward such report to Assistant Chief of Staff, G–4, Department of the Army, Washington 25, D. C., Attn: Chief, Current Procurement Branch, in time to reach that office on the 10th day following the end of the reporting period.

(d) The following information will be included:

(1) Type of claim involved (e. g. correction of mistake, etc.).

(2) Purchasing office concerned.

(3) Date claim was received.
(4) Name and address of contractor.
(5) Contract number or numbers involved.
(6) Type of contract (formally advertised or negotiated). (This item is not required when the claim is made pursuant to § 590.909.)
(7) Dollar amount involved.
(8) Disposition or status of claim.
(i) Finally approved by head of procuring activity.
(ii) Finally denied by head of procuring activity (or any intermediate office, including contracting officer).
(iii) Forwarded to Army Contract Adjustment Board.
(iv) Pending:
(*a*) In purchasing office.
(*b*) In office of head of procuring activity.
(v) After a claim has once been reported as finally approved or denied, or forwarded to the Army Contract Adjustment Board, it need not be reported on succeeding quarterly reports.
(vi) A numerical summary will be attached to each quarterly report indicating the following information in substantially the following form:

	Type of claim					
	Amendments w/o consideration		Correction of mistakes		Formalization of informal commitments	
	Number	Total dollar value involved	Number	Total dollar value involved	Number	Total dollar value involved
On hand at beginning of quarter						
Received during quarter						
Disposed of during quarter (total)						
Finally approved by Procuring Activity						
Finally denied by Procuring Activity						
Forwarded to Board						
Pending as of end of quarter (total):						
In purchasing offices						
In Office of Head of Procuring Activity						

(vii) Forms will not be supplied for this report. Reports Control Symbol CS–GLD–376 has been assigned to this report.

§ 590.919 *Regulations issued or approved by Department of Defense.*

§ 590.919–1 *Regulations dated February 21, 1951.* Regulations governing the exercise of certain authority granted by Title II, of the First War Powers Act, as amended, and Executive Order No. 10210 (16 F. R. 1001), are contained in §§ 438.1—438.5 of this title.

PART 591—PROCUREMENT BY FORMAL ADVERTISING

Part 591 is amended as indicated below:

1. Section 591.202 (b) is rescinded and the following substituted therefor:

§ 591.202 *Methods of soliciting bids.* * * *

(b) *Time allowed before opening.* Invitations for bids will, as a rule, allow 30 days to intervene between the date of issuance and the date of opening bids. A shorter period may be allowed when circumstances make an earlier opening essential but no period of less than 10 days will be designated, except in case of emergency. The existence of such circumstances or emergency will be determined by the contracting officer. If the time allowed is less than 10 days, the copy of the invitation for bids furnished to the Procurement Information Center, Office of the Under Secretary of the Army in accordance with § 591.251 (a), will bear on its face the following certificate and appropriate reasons signed by the contracting officer:

I certify that the date shown hereon for the opening of bids cannot be a later date for the following reasons _____,

2. Section 591.303 is added as follows:

§ 591.303 *Modification or withdrawal of bids.* Where written notice of withdrawal or modification of a bid is received after the time fixed for the opening of bids, proper cases may be processed under the authority of Title II, First War Powers Act, 1941, as amended and Subpart I, Part 590 of this chapter.

3. Section 591.405 (d) is added as follows:

§ 591.405 *Mistakes in bids.* * * *
(d) Cases processed under the authority of Title II of the First War Powers Act, 1941, as amended will be governed by Subpart I, Part 590 of this chapter.

PART 592—PROCUREMENT BY NEGOTIATION

Part 592 is amended as indicated below:

1. Section 592.101 (c) (5) is added as follows:

§ 592.101 *Negotiation as distinguished from formal advertising.* * * *
(c) *Requests for proposals.* * * *
(5) In unclassified negotiated procurements, effected in the continental United States, the request for proposals will allow not less than 18 days to intervene between the date of issuance and the closing date for receipt of proposals or the opening thereof, unless circumstances make essential a shorter interval.

2. Section 592.102 is amended by rescinding paragraphs (a) and (b) thereof and substituting the following therefor:

§ 592.102 *General requirements for negotiation.* * * *
(a) The contemplated procurement comes within one of the circumstances permitting negotiation enumerated in Subpart B, Part 402 of this title, or has been approved by the authority required in Subpart I, Part 590 of this chapter.
(b) Any necessary determination and findings prescribed in Subpart C, Part 402 of this title, and, either Subpart I, Part 590 of this chapter or Subpart C, Part 592 of this chapter, have been made.
* * * * *

3. Section 592.251 is added as follows:

§ 592.251 *Title II, First War Powers Act, 1941, as amended.* Negotiation of contracts under this authority will be governed by procedures contained in Subpart I, Part 590 of this chapter.

4. Section 592.302 (c) is added as follows:

§ 592.302 *Determinations and findings by the Secretary.* * * *
(c) Determinations and findings with respect to procurement actions effected pursuant to Title II, First War Powers Act, 1941, as amended, except as otherwise specifically authorized in Subpart I, Part 590 of this chapter. Action taken by the Army Contract Adjustment Board in this regard is deemed to be the action of the Secretary.

5. Section 592.303 (c) is added as follows:

§ 592.303 *Determinations and findings by the head of a procuring activity signed as "a chief officer responsible for procurement."* * * *
(c) Determinations and findings which may be made by the head of a procuring activity in connection with procurement actions effected under the authority of Title II of the First War Powers Act, 1941, as amended, are set forth in § 590.903–4 of this chapter. Such authority may not be redelegated below the level of the head of a procuring activity, unless specifically authorized by the Under Secretary of the Army.

6. Section 592.306 (d) is added as follows:

§ 592.306 *Procedure with respect to determinations and findings.* * * *
(d) Determinations and findings in connection with procurement actions effected under the authority of Title II, First War Powers Act, 1941, as amended, will be requested as prescribed in Subpart I, Part 590 of this chapter.

7. Section 592.408 is amended by rescinding paragraph (b) thereof.

8. Section 592.409 (c) is added as follows:

§ 592.409 *Other types of contracts.* * * *
(c) *Informal commitment.* (1) An informal commitment is a verbal order or written communication by a contracting officer or his authorized agent, requesting a person or firm to furnish supplies or services to the Government or a defense contractor.
(2) Informal commitments will be entered into under the circumstances only as authorized by § 590.909–1 (c) of this chapter, and pursuant to instructions of the head of a procuring activity issued

under authority contained in this procedure.

(3) Informal commitments will not be entered into for specific amounts. The basis of payment will be "fair compensation" as approved by the appropriate approving authority, depending upon the amount involved.

(4) Requests for formalization of informal commitments will be processed pursuant to § 590.909–2 of this chapter within 10 days after completion of performance thereof.

(5) No payment will be made or certified in connection with an informal commitment until formalization has been approved and accomplished.

PART 596—CONTRACT CLAUSES AND FORMS

1. Section 596.104–14 is added as follows:

§ 596.104–14 *Title II, First War Powers Act, 1941, as amended.* All contracts and amendments to contracts made under the authority of Title II, First War Powers Act, 1941, as amended, will contain the clauses and conform to the requirements prescribed in § 590.909 of this chapter.

2. Section 596.150–3 is amended by redesignating the two contract clauses contained therein as "a." and "b." and adding a new clause "c." as follows:

§ 596.150–3 *Plant protection.* * * *

C. PLANT PROTECTION

(Government-owned Contractor operated plants)

(a) The contractor shall at all times during the performance of the work under this Contract comply with all applicable Federal, State and local statutes, and with such rules and regulations as are furnished to the Contractor by the Contracting Officer, governing the manufacture, storage, loading, handling, or transporting of military explosives, pyrotechnic, and inert materials. The Contractor will maintain such additional safety precautions for its personnel, for facilities staffed and operated by it, and for work in process, as are customary in the industry or in the Contractor's private operations. All personnel having access to the plant, including Government personnel, shall comply with all instructions issued by the Contractor in furtherance of the safety precautions. The Contractor shall install and maintain in and about the plant such plant protective devices and shall employ such guards and other personnel as the Contracting Officer may approve, including such personnel and protective devices for the prevention of espionage, sabotage, and other malicious destruction or damage. The Contractor shall make available such information with respect thereto as the Contracting Officer may request. The use by the Contractor of such Government-owned safety or plant protective equipment as may be located at the plant site is authorized subject to approval by the Contracting Officer.

(b) The Contractor agrees to furnish the authorized Security and Safety personnel of the Army Establishment with a survey of the existing internal security system and explosion-and-fire-prevention system in the portions of the plant staffed and operated by the Contractor. The Contractor agrees to make any changes necessary to cause the existing internal security system and explosion-and-fire-prevention system to comply with all applicable local, State, and Federal laws, rules, and regulations, including such Department of the Army regulations or ---------- instructions as are furnished to the Contractor by the Contracting Officer, governing the manufacture, storage, loading, handling or transporting of military explosives, pyrotechnic, and inert materials.
(Procuring Activity)

(c) At any time during the term of this contract, the Contracting Officer or his duly authorized representative may require the Contractor to install and maintain in and about the plant additional protective devices, equipment, and personnel. The Contractor shall submit promptly to the Contracting Officer or his duly authorized representative, for prior approval as to estimated cost, detailed inventories, including the estimated cost of each item of protective devices or equipment so required to be installed and of installing the same, and a detailed estimate of the cost maintaining any such additional protective devices or equipment and personnel.

(d) Title to all plant protective devices and equipment added under paragraph (c) of this clause shall be in the Government. The Contractor, during the term of this contract or any extension thereof, shall maintain and keep in good condition and repair all such protective devices and equipment.

(e) The Contracting Officer and authorized Security and Safety personnel of the Army Establishment, at all times during the performance of this Contract or any extension thereof, shall have access to the portions of the plant staffed and operated by the Contractor in order to inspect, inventory, or remove any of said plant protective devices or equipment, and to inspect the premises with respect to compliance with all regulations and requirements concerning plant protection, safety, and security including any recommendations made by the appropriate Army Establishment personnel.

3. Section 596.150–5 is added as follows:

§ 596.150–5 *Subcontracting.* Insert the clause set forth below in all supply and construction contracts in amounts exceeding $5,000.

SUBCONTRACTING

(a) It is the policy of the Government as declared by the Congress to bring about the greatest utilization of small business concerns which is consistent with efficient production.

(b) The Contractor agrees to accomplish the maximum amount of subcontracting to small business concerns that the Contractor finds to be consistent with the efficient performance of this contract.

4. Section 596.513 (d) (5) is added as follows:

§ 596.513 *Purchase Order (WD Form 18).* * * *

(d) * * *

(5) *Renegotiation.* [Insert the same clause authorized for DA AGO Form 383 in § 590.705–10 (f) of this chapter.]

* * * * *

[Proc. Cir. 9, 26 June 1951, Proc. Cir. 10, 9 July 1951, and Proc. Cir. 11, 9 July 1951] (R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. 151–161)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
Acting The Adjutant General.

[F. R. Doc. 51–8995; Filed, Aug. 3, 1951; 8:48 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 22, Amdt. 1 to Supplementary Regulation 6]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

SR 6—CEILING PRICES FOR MANUFACTURERS FOR THE SALE OF PAINTS, VARNISHES, AND LACQUERS

EXTENSION OF EFFECTIVE DATE

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency Order No. 2 (16 F. R. 738) this Amendment 1 to Supplementary Regulation 6 to Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment extends the effective date of this supplementary regulation to August 13, 1951. This amendment is issued for the same reasons as Amendment to Ceiling Price Regulation 22, which also extends the effective date of that regulation to August 13, 1951. Accordingly, that portion of the Statement of Considerations for Amendment 20 to Ceiling Price Regulation 22, which deals with the extension of the effective date of that regulation, is equally applicable to this supplementary regulation.

AMENDATORY PROVISIONS

Supplementary Regulation 6 to Ceiling Price Regulation 22 is amended by amending the last paragraph of the regulation to read as follows:

Effective date. The effective date of this supplementary regulation is August 13, 1951, or such earlier date between June 21, 1951, and August 13, 1951, as you may select. If you select such an earlier date, this regulation becomes effective as to you upon that date for all of your commodities covered by this supplementary regulation.

(Sec. 704, Pub. Law 774, 81st Cong., as amended)

Effective date. This amendment shall become effective July 31, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 30, 1951.

[F. R. Doc. 51–8959; Filed July 31, 1951; 5:07 p. m.]

[Ceiling Price Regulation 22, Amdt. 2 to Supplementary Regulation 10]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

SR 10—POSTPONEMENT OF PRICE CALCULATIONS FOR CERTAIN RUBBER PRODUCTS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong., as amended), Executive Order 10161 (15

F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), Amendment 2 to SR 10 to CPR 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

Amendment 1 to SR 10 to CPR 22 added a new section, section 6, to that supplementary regulation. Section 6 provides that manufacturers of reclaimed rubber retain their GCPR ceiling prices for such items until the section is revoked. The intention of section 6, as stated in the Statement of Considerations to Amendment 1 to SR 10, was that reclaimed rubber remain subject to the General Ceiling Price Regulation until the issuance of a tailored regulation covering the reclaimed rubber industry. With the issuance of such a regulation, ceiling Price Regulation 58, section 6 of SR 10 is, accordingly, revoked.

AMENDATORY PROVISIONS

Supplementary Regulation 10 to CPR 22 is hereby amended by revoking section 6 thereof.

(Sec. 704, Pub. Law 774, 81st Cong., as amended. Interprets or applies Title IV, Pub. Law 774, 81st Cong., as amended; E. O. 10161, Sept. 9, 1950; 15 F. R. 6105; 3 CFR, 1950 Supp.)

Effective date. This amendment shall become effective August 6, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 30, 1951.

[F. R. Doc. 51-8967; Filed, July 31, 1951; 5:02 p. m.]

[Ceiling Price Regulation 22, Amdt. 1 to Supplementary Regulation 12]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

SR 12—EXTENSION OF EFFECTIVE DATE FOR PARTICULAR COMMODITIES

ESTABLISHMENT OF TERMINATION DATE

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 1 to Supplementary Regulation 12 to Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

On June 29, 1951, there was issued Supplementary Regulation 12 to Ceiling Price Regulation 22 which extended the effective date of CPR 22 for various commodities at the option of the manufacturer.

This amendment to Supplementary Regulation 12 provides that CPR 22 will become effective for these commodities on October 1, 1951, except for such of these commodities as may be governed by other regulations or supplementary regulations. It is recognized that to a considerable extent there are objections to the application of CPR 22 to these commodities, in part due to the administrative burden placed upon the sellers. The Office of Price Stabilization will provide means of establishing ceiling prices to obviate these objections. These provisions will be announced as soon as practicable, and in any event considerably in advance of the effective date of CPR 22 for these commodities.

AMENDATORY PROVISIONS

The first sentence of section 1 (a) of Supplementary Regulation 12 to CPR 22 is amended by substituting for the language "until further action by the Director of Price Stabilization" the language "until October 1, 1951" so as to make the sentence read as follows:

(a) *Optional period.* Notwithstanding any provisions of Ceiling Price Regulation 22, you may until October 1, 1951, elect not to use Ceiling Price Regulation 22 as to any of the commodities listed in paragraph (b) below and to continue to use as to these commodities ceiling prices determined under the General Ceiling Price Regulation.

(Sec. 704, Pub. Law 774, 81st Cong., as amended)

Effective date. The effective date of this amendment is July 31, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 30, 1951.

[F. R. Doc. 51-8961; Filed, July 31, 1951; 5:06 p. m.]

[Ceiling Price Regulation 22, Supplementary Regulation 14]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

SR 14—PRICING METHOD FOR CUSTOM MOLDED AND CUSTOM FABRICATED PLASTIC PRODUCTS

Pursuant to the Defense Production Act c 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this supplementary regulation to Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation is issued to enable manufacturers of custom molded plastic products and manufacturers of certain custom fabricated plastic products to price such products under the standards of CPR 22 and in accordance with the business practices, cost practices, and the pricing methods of their industries. The regulation specifically permits such manufacturers to use the price determining methods or formulae which they used during the period from April 1 to June 24, 1950.

The manufacturers covered by this regulation produce each month a wide variety and a large number of new commodities. Approximately 90 percent of the products manufactured by the plastics industry are new items. A large percentage of these new items are custom molded. It was estimated by the industry's advisory committee that custom molders would be required, under the provisions of section 32 of CPR 22, to file each day from 25 to 35 applications for pricing custom molded plastic products.

The regulation applies to plastic products custom molded to one customer's specifications for sale to that one customer and produced with the tools and dies owned or controlled by that customer; and to plastic products custom fabricated from plastics sheet, rods, tubes and laminates to one customer's specifications and sold only to that one customer. The regulation is issued to provide for these products a pricing technique less burdensome than that now provided under CPR 22 for new items. The regulation does not apply to proprietary products as it is believed that these can be easily priced under CPR 22 without any unusual burden being placed upon the manufacturer or the Office of Price Stabilization.

In the Plastics Industry it is customary to establish prices for a commodity by the use of a price determining method or formula which establishes the various items of cost involved in the production and arrives at a price by the application of factors such as machine-hour rates, overhead rates, rates for administrative and selling expenses, profit markup and discounts and allowances.

The regulation provides that a manufacturer who qualifies may use a price determining method to establish his ceiling price for the commodity but he must use that price determining method last used during the period from April 1 to June 24, 1950, and applicable to the commodity being priced. Further, in using his price determining method, he must use costs as of the end of his base period. To the base period cost so determined, he may apply a labor cost adjustment computed in accordance with sections 8 or 9 of CPR 22 and a materials cost adjustment computed on the basis of the change, between the end of the base period and December 31, 1950 (March 15, 1951, or a current date, whichever is applicable), in cost of materials used in the production of the article being priced.

It is customary in the Plastics Industry for a manufacturer to sell to his customers dies, molds and/or special tools in connection with the sale of a plastics product. The practice in the industry is to sell such dies, molds and special tools at cost. The regulation provides that a manufacturer who purchases the dies, molds and/or special tools may sell them to his customer at a price not above his own cost; if the plastics manufacturer produces the die, mold and/or special tool in connection with the sale of a plastics product, he may sell them to his plastics customer at a ceiling price calculated under CPR 22 or CPR 30, whichever is applicable.

REGULATORY PROVISIONS

Sec.

1. What this supplementary regulation does.
2. Sales covered by this supplementary regulation.
3. How you determine your ceiling price.
4. How sellers who had a price determining method prior to June 24, 1950 determine their base period price.
5. Labor cost adjustment factor.
6. Materials cost adjustment.

Sec.

7. Computation of ceiling price where you are unable to determine your base period cost.
8. Ceiling prices for dies, molds and special tools sold by the manufacturer in connection with the sale of a product.
9. Evasion.
10. Records.
11. Definitions.

AUTHORITY: Sections 1 to 11 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong.; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CPR, 1950 Supp.

SECTION 1. *What this supplementary regulation does.* This supplementary regulation provides a compulsory method for determining ceiling prices of custom molded and custom fabricated plastic products not sold or offered for sale by you prior to June 24, 1950. As to all plastic products sold or offered for sale prior to June 24, 1950, you establish your ceiling prices under CPR 22. This supplementary regulation supersedes all previously issued regulations as to the products covered by it. Ceiling Price Regulation 22 remains applicable to sellers who come under this supplementary regulation except to the extent that it is inconsistent with the provisions of this supplementary regulation.

SEC. 2. *Sales covered by this supplementary regulation.* This supplementary regulation covers sales of custom molded or custom fabricated plastic products first offered for sale subsequent to June 24, 1950. A custom molded plastic product is one sold exclusively to one customer, made to his specifications and produced with tools or dies owned or controlled by him. A molded plastic product is one produced by any molding process, including injection molding, extrusion, compression molding, plunger molding, transfer molding, blow molding and casting. A custom fabricated plastic product is one fabricated from plastic sheets, rods, tubes or laminates sold exclusively to one customer and made to his specifications. A plastic product is one made of any of the natural or synthetic organic materials which are derived from cellulose, proteins, hydrocarbons and resins (not including crude or synthetic rubber or balata) and which can be molded or fabricated into various shapes by the use of either heat or pressure or both. This supplementary regulation does not cover sales or proprietary plastic products. A proprietary plastic product is one which you manufacture for sale to more than one customer.

SEC. 3. *How you determine your ceiling price*—(a) *Sellers who had a price determining method in effect prior to June 24, 1950.* If you had a price determining method in effect prior to June 24, 1950, you determine your ceiling price for a plastic product covered by this regulation by first calculating what your base period price for the commodity would have been. Directions for doing this are contained in section 4 of this regulation. You then apply to this base period price your labor cost adjustment factor calculated in accordance with section 5 of this regulation and your materials cost adjustment calculated in accordance with section 6. The result is your ceiling price for the product. This ceiling price must be consistent in every respect with your base period price, e. g., it must carry all customary terms and conditions of sale.

(b) *New sellers and other sellers who had no price determining method in effect prior to June 24, 1950.* If you are a new seller or if for any other reason you had no price determining method in effect prior to June 24, 1950, you determine your ceiling prices in accordance with sections 32, 33, or 34 of CPR 22.

SEC. 4. *How sellers who had a price determining method prior to June 24, 1950, determine their base period price.* If you had a price determining method which you customarily employed during the period from April 1 to June 24, 1950, to establish the prices at which you sold custom molded or custom fabricated plastic products, you establish your base period price for the commodity being priced in accordance with that price determining method. This means that in establishing your base period price you use the same overhead rates, machine hour rates, if any, rates for general administrative and selling expenses, profit markup, discounts, and allowances, and any other bases of computing price by relation to cost that you used during your base period and that are applicable to the plastic product being priced. You must, however, follow the directions contained in paragraphs (a) and (b) in calculating your direct labor cost, and materials cost in arriving at your base period price.

(a) *Direct labor costs.* You determine your direct labor costs in accordance with whatever method you employed during your base period. The rate you use is the rate in effect at your plant during your base period. If you require the use of labor of a classification not employed by you during your base period you use as the rate for that classification the rate prevailing during your base period in the locality of your plant. If labor of that classification was not employed in this locality during your base period, you use the rate prevailing during your base period in the most comparable locality as accurately as you are able to determine that rate.

(b) *Direct material costs.* You determine the cost of any manufacturing material by multiplying the cost of such material at the end of your base period by the physical amount of the material used per unit in the plastic product being priced. You determine the net cost to you per unit of a manufacturing material in accordance with section 18 of CPR 22. If you are unable to determine a cost under paragraphs (a) through (h) of CPR 22 you may use the published list prices of the supplier of the material in effect at the end of the base period.

SEC. 5. *Labor cost adjustment factor.* You calculate your labor cost adjustment in accordance with sections 8 or 9 of Ceiling Price Regulation 22. However, you must use as a base period the period April through June 24, 1950.

SEC. 6. *Materials cost adjustment.* You calculate your materials cost adjustment as follows:

(a) Find the physical amount of the manufacturing material which will be used per unit in the plastic product being priced.

(b) Multiply the physical amount of each of these manufacturing materials by the change in its net cost between June 24, 1950, and December 31, 1950, except that for any material listed in Appendix B of CPR 22 you may figure the change to March 15, 1951, and for any material listed in Appendix C of CPR 22 you may figure the change to a current date, subject to the limitations contained in section 21 of CPR 22.

(c) Add together the resulting figures derived under paragraph (b) of this section which represent increases in net cost. Do the same with the resulting figures which represent decreases in net cost. The difference between these totals is "the materials cost adjustment" to be added to the base period price.

SEC. 7. *Computation of ceiling prices where you are unable to determine your base period cost.* This section applies if you are unable to determine your base period cost of any material, part or subcontracted service which, you use in the production of a commodity for which you must obtain a base period price under this supplementary regulation. This material, part or subcontracted service will be referred to in this section as the "item".

(a) You compute the base period price of the commodity in accordance with your base period price determining method, but you disregard the cost of the "item" in computing your base period price.

(b) Using the figure you derive under paragraph (a) as your base period price, you compute your ceiling price under section 3.

(c) You determine your current cost, not in excess of the applicable ceiling price, of the "item" you disregarded in the computation under paragraph (a) and add to this your markup over total costs, less selling and general administrative expense, which is provided in the price determining method you used in paragraph (a).

(d) You add the totals found under paragraphs (b) and (c). This is your ceiling price for the new commodity.

SEC. 8. *Ceiling prices for dies, molds, and special tools sold by the manufacturer in connection with the sale of a product*—(a) *Purchase of dies, molds and special tools.* If you purchase a die, mold or special tool, and sell it to the customer in connection with the sale of a product priced under this supplementary regulation, the ceiling price of the die, mold or special tool shall be the price you paid but in no event may exceed the applicable ceiling price of the die, mold or special tool.

(b) *Manufacture of dies, molds and special tools.* Where you produce the die, mold or special tool and sell it to the customer in connection with the sale of a product priced under this supplementary regulation, the ceiling price for the die, mold or special tool shall be determined in accordance with the provisions of CPR 22 or CPR 30 whichever is applicable.

SEC. 9. *Evasion.* Price limitations set forth in this supplementary regulation shall not be evaded by direct or indirect methods. In the case of any evasion, the Director of Price Stabilization may by written order establish a ceiling price in line with the level of ceiling prices established by this supplementary regulation.

The production of any article, the ceiling price for which is established under this supplementary regulation, must be consistent with the factors used in applying your price determining method.

Example: If you determine your price on the basis of a mold or die producing five units per hour, you may not use this price if you change the mold or die to produce ten units per hour, without reducing your price downward to reflect the decrease of cost per unit to you.

SEC. 10. *Records.* If you price under this supplementary regulation, you must prepare and preserve all the records required under section 46 of CPR 22 and, in addition, keep complete and accurate records of every sale of a product covered by this supplementary regulation including:

(1) The date that the sale was made;

(2) The name and address of the buyer;

(3) The quantity of each class, type, condition and grade of product sold;

(4) The price per unit received;

(5) Labor rates in effect during your base period and on March 15, 1951. If you are a new seller since June 24, 1950, use June 24, 1950, as the end of your base period;

(6) Material costs and factory overhead rates in effect during your base period; material costs on December 31, 1951 (March 15, 1951, wherever applicable; and any other date you use in your computation); if you are a new seller since June 24, 1950, use June 24, 1950, as the end of your base period;

(7) Total cost estimate sheets and other data showing the calculation of price for all products for which the ceiling prices are determined under this supplementary regulation.

SEC. 11. *Definitions.*

"Base period:" This term means April 1 to June 24, 1950.

"End of your base period:" This term means June 24, 1950.

Effective date. This supplementary regulation shall become effective August 25, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 30, 1951.

[F. R. Doc. 51-8957; Filed, July 31, 1951; 5:07 p. m.]

[Ceiling Price Regulation 22, Supplementary Regulation 15]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

SR 15—STERILE CANNED MEAT AND DRY SAUSAGE

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Congress), as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order 2 (16 F. R. 738), this Supplementary Regulation 15 to Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

Ceiling Price Regulation 22 is presently applicable to sterile canned meat and to dry sausage. As it now applies to these items, the regulation is inappropriate in two respects. First, the opportunity to make a choice of base periods and the fact that the materials cost adjustment is based on costs on one day of the base period have resulted in abnormally high increases for some sellers because costs of meat were at unusually low levels in relation to prices on December 31, 1949, the date selected by many manufacturers of sterile canned meat and dry sausage. Second, the regulation does not recognize costs of beef established under Ceiling Price Regulation 24, because CPR 24 was issued subsequent to March 15, 1951, the cutoff date applicable to manufacturing materials used in sterile canned meat and dry sausage. This has proved unfair to many manufacturers of sterile canned meat and dry sausage who use beef in the items they sell.

This supplementary regulation deals with both of these problems. It establishes a mandatory base period, April 1, 1950, to June 24, 1950, with respect to sterile canned meat and dry sausage. It provides a new method of calculating all materials cost adjustments with respect to those items under CPR 22. It requires the use of two weeks rather than one day in the base period. It provides for comparison of costs in this period with costs during two weeks preceding March 15, 1951, in the case of manufacturing materials other than beef, and with costs during two weeks preceding June 24, 1950, in the case of beef.

Those sellers who have calculated ceiling prices for sterile canned meat and dry sausage must recalculate them in accordance with the provisions of this supplementary regulation.

In the judgment of the Director of Price Stabilization the provisions of this supplementary regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950. In formulating this supplementary regulation it has not been feasible to consult with industry representatives.

In so far as practicable, the Director of Price Stabilization gave due consideration to the national effort to effect maximum production in furtherance of the Defense Production Act of 1950; to prices prevailing during the period from May 24, 1950 to June 24, 1950, inclusive; and to relevant factors of general applicability.

REGULATORY PROVISIONS

Sec.

1. What this supplementary regulation does.
2. Base period.
3. How to determine your "materials cost adjustment" for sterile canned meat or dry sausage.
4. Labor cost adjustment.
5. Redetermination of ceiling prices.
6. Incorporation of Ceiling Price Regulation 22 by reference.

AUTHORITY: Sections 1 to 6 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR 1950 Supp.

SECTION 1. *What this supplementary regulation does.* This regulation applies to you if you are a manufacturer of sterile canned meat or dry sausage. It provides a new base period, and establishes a new method for determining your materials cost adjustment under Ceiling Price Regulation 22 for sterile canned meat and dry sausage. You must use the method prescribed in this supplementary regulation instead of any other method prescribed in CPR 22. You must recalculate your ceiling price for each item of sterile canned meat and dry sausage in accordance with this supplementary regulation.

SEC. 2. *Base period.* Your base period shall be the period April 1, 1950, to June 24, 1950.

SEC. 3. *How to determine your "materials cost adjustment" for sterile canned meat or dry sausage.* To calculate "the materials cost adjustment" for each item of sterile canned meat or dry sausage, you do the following:

(a) Find the physical amount of each manufacturing material which you normally used in the base period per unit of sterile canned meat or dry sausage being priced.

(b) With respect to a manufacturing material other than beef, multiply the physical amount of said material determined under section 3 (a) by the difference between (1) its average net cost per unit in the last two calendar weeks of the base period in which you made purchases of the manufacturing material and (2) its average net cost per unit in the last two calendar weeks preceding March 15, 1951, during which you made purchases of the manufacturing material. When the manufacturing material is beef, multiply the physical amount of beef determined under section 3 (a) by the difference between (1) its average net cost per unit in the last two calendar weeks of the base period during which you made purchases of such beef, and (2) its average net cost per unit in the last two calendar weeks preceding June 24, 1951, during which you made purchases of such beef.

(c) Add together the resulting figures derived under paragraph (b) of this section which represent increases in net cost. Do the same with the resulting figures which represent decreases in net cost. The difference between these totals is "the materials cost adjustment" to be added to the base period price in accordance with section 3 (a) of CPR 22.

SEC. 4. *Labor cost adjustment.* Your labor cost adjustment shall be calculated as provided in CPR 22 except that you must use the base period required by this supplementary regulation.

SEC. 5. *Redetermination of ceiling prices.* You must redetermine your ceiling price for each item of sterile canned

meat or dry sausage sold by you in accordance with the provisions of CPR 22 and of this supplementary regulation. You must mail an amended OPS Public Form 8 by September 15, 1951. Until September 15, 1951, your ceiling price shall be that heretofore determined under CPR 22 or, if you have no ceiling price for an item of sterile canned meat or dry sausage effective under CPR 22, your ceiling price for that item shall be that determined under the General Ceiling Price Regulation. On and after September 16, 1951, your ceiling price for an item of sterile canned meat or dry sausage shall be the ceiling price determined pursuant to CPR 22 and this supplementary regulation.

SEC. 6. *Incorporation of Ceiling Price Regulation 22 by reference.* Each manufacturer of sterile canned meat or dry sausage subject to this supplementary regulation shall be subject to all the provisions of Ceiling Price Regulation 22 which are not inconsistent with the provisions of this supplementary regulation.

Effective date. This supplementary regulation shall become effective on August 6, 1951.

NOTE: The record keeping and reporting requirements of this supplementary regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 30, 1951.

[F. R. Doc. 51-8964; Filed, July 31, 1951; 5:04 p. m.]

[Ceiling Price Regulation 24, Amdt. 4]

CPR 24—CEILING PRICES OF BEEF SOLD AT WHOLESALE

MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Defense Production Act Amendments of 1951, Executive Order 10161 (15 F. R. 6105), Economic Stabilization Agency General Order 2 (16 F. R. 738), Delegation of Authority by the Secretary of Agriculture to the Economic Stabilization Agency with Respect to the Allocation of Meat (16 F. R. 1272) and Economic Stabilization Agency General Order 5 (16 F. R. 1273), this Amendment 4 to Ceiling Price Regulation 24 is hereby issued.

STATEMENT OF CONSIDERATIONS

(1) A substantial amount of beef purchased outside the United States at prices in excess of the ceiling prices established in CPR 24 has been imported either for resale or for processing in this country. Along with creating pressure against the domestic ceiling prices of the buyers of this beef, the increase in importation of beef at these high prices has seriously increased beef prices in some of the countries from which this beef is being imported and has drained a substantial portion of their supply.

The pressure against domestic ceiling prices has become very serious, and, therefore, this amendment prohibits the importation of beef purchased at prices above domestic ceiling prices at the point of consignment. Criteria are established for determining purchase price and domestic ceiling price. It is incumbent upon the import-purchaser of carcasses and wholesale cuts to estimate the grade and not buy at a price higher than the price established in CPR 24 for beef carcasses or cuts of like grade.

(2) This amendment also transfers the counties of Dubuque, Jackson, Clinton, and Scott, Iowa from Zone 1 into a new Zone 2b. Slaughterers in this area have been forced into a position of competitive disadvantage by operation of the zone differential allowance provided slaughterers in adjacent areas of Wisconsin and Illinois. Since slaughterers in Wisconsin and Illinois are located in Zones 2a and 4 respectively, they are allowed certain zone differential allowances which enable them to compete more effectively for live cattle in areas where slaughterers in these four counties normally procure their livestock. Slaughterers in this area of Iowa have, therefore, been unable to buy cattle in compliance with the provisions of Ceiling Price Regulation 23.

To alleviate this situation, Zone 2b has been created which includes these four counties and a new zone addition based upon 60 percent of the freight rate from Omaha has been provided for all grades of beef in this zone.

(3) Slaughterers located in southwest Texas have experienced a similar competitive disadvantage in buying cattle which has necessitated another zone change. In Zone 2, including southwest Texas, no allowance has been established on the lower grades of cattle since there are substantial quantities of lower grades of cattle in Zone 2.

Slaughterers in this southwest area of Texas, however, do not have sufficient quantities of lower grade cattle and procure a substantial portion of their cattle supply from outside the immediate territory, some of the major market areas being over 500 miles from their slaughtering plants. As a result, slaughterers in this area are not able to bid competitively and in compliance in these distant markets upon which they depend for a substantial part of their supply.

To correct this situation, that portion of Texas west and southwest of the Pecos River has been transferred into a new Zone 2c and a new zone addition based upon 60 percent of the freight rate from Denver has been provided for the four lower grades of beef in this zone.

(4) The definitions of ground beef, ground beef in casings and ground beef patties in CPR 24 permit the sale of ground beef with a fat content of 30 percent. It was anticipated that under this regulation sellers would continue their practice of making ground beef containing about 25 percent fat, but the regulation permitted the additional fat to give sellers leeway to make occasional batches of fatter ground beef without violating the regulation. Since issuance of the regulation, certain sellers have abused this provision of the regulation and have made all of their ground beef with 30 percent fat. This amendment corrects this situation by prohibiting the sale of ground beef, ground beef in casings and ground beef patties with fat content higher than 25 percent, thus restoring normal industry practices.

(5) Many sellers at wholesale have asked that the definition of ground beef be amended to permit the sale of leaner ground beef. This amendment, therefore, permits the sale of ground beef and ground beef patties with a fat content of not in excess of 12 percent and provides ceiling prices for these leaner products. The leaner ground beef may be sold at the higher prices established by this amendment only under defined conditions which are necessary to assure purchasers a regular supply of the lower priced ground beef. Therefore, if, at any time, a purchaser requests ground beef (bulk) or ground beef patties and the seller is unable to supply his demand, the seller may not sell him lean ground beef or lean ground beef patties at a price higher than the ceiling price for ground beef (bulk) or ground beef patties, respectively.

(6) In view of the provisions with respect to rollbacks on agricultural commodities in the legislation extending the price control law beyond July, the price schedules effective August 1 are canceled.

(7) Ceiling Price Regulation 24 prohibited the sale of cuts not defined therein, but permitted the sale of certain types of specialty steak products sold in 1950. Widespread evasion of this regulation has occurred, the sale of prohibited cuts—for example, high priced ground beef—being continued under the guise of specialty steak products sold during 1950. It is necessary to prevent this sort of evasion of Ceiling Price Regulation 24 and to more clearly define specialty steak products. Accordingly, a more precise definition is provided in this amendment. Those products which do not satisfy the criteria of the definition may not, hereafter, be sold as specialty steak products.

Conclusion. In formulating this amendment, the Director of Price Stabilization has consulted with industry representatives as far as practicable and has given full consideration to their recommendations. In his judgment, the provisions of this amendment are generally fair and equitable and necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

So far as practicable, the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to relevant factors of general applicability. To the extent that this amendment compels changes in business practices, such changes are necessary to prevent circumvention or evasions of this regulation.

AMENDATORY PROVISIONS

Ceiling Price Regulation 24 is amended in the following respects:

1. Section 11 is amended by adding at the end thereof a new paragraph (c) to read as follows:

(c) *Importation at prices above ceiling.* Regardless of any contract, agreement or other obligation you shall not, by direct or indirect methods, import into the 48 states or the District of Columbia from a foreign country any beef product purchased by you, directly or through any agent, or through a foreign or domestic corporation affiliated with you, or any foreign or domestic subsidiary thereof, if this beef product has a landed cost higher than the domestic ceiling price at the point of consignment.

(1) The "landed cost" shall mean the amount you paid for the product, directly or indirectly, plus the following expenses actually incurred by or for you:

(i) transportation costs to the point of consignment;

(ii) customs duties or other import taxes;

(iii) other commodity taxes;

(iv) dock charges;

(v) clearance;

(vi) insurance;

(vii) letter of credit expenses;

(viii) any customary buying commission to a purchasing agent outside continental United States; and

(ix) grading.

(2) The "domestic ceiling price at the point of consignment" shall mean the lowest price established in the appropriate schedule for this grade of beef product when sold by a slaughterer, plus the zone differential, where applicable, to the point to which the shipment is consigned. In computing this price the point to which the shipment is consigned shall be the distribution point and none of the additions provided in sections 41 through 48, inclusive, may be added.

(3) *Records.* Each of you who imports into the 48 States or the District of Columbia from a foreign country any beef product purchased by you, directly or indirectly, shall make and preserve for a period of two years the records required in section 9 (a) of this regulation; and, in addition to the information required to be shown in paragraphs (1) through (4) therein, you shall also make and preserve records for a period of two years showing any of the actual costs listed in paragraph (c) (1) (i) through (ix) of this section which you incurred.

2a. Appendix 1 (a) is amended by deleting the word "Iowa" where it appears in the line "The entire States of Nebraska, Iowa, Kansas, and South Dakota" and by adding at the end of Appendix 1 (a) the following:

The entire State of Iowa except the counties of Dubuque, Jackson, Clinton and Scott.

b. Appendix 1 is amended by adding at the end thereof a new paragraph (h) reading as follows:

(h) *Zone 2b.* Zone 2b means the area described as follows:

The portion of Iowa which is not included in Zone 1, i. e., the counties of Dubuque, Jackson, Clinton, and Scott.

c. Section 40 is amended by adding at the end thereof a new subsection (f), reading as follows:

(f) *Zone 2b.* The amount to be added as a zone differential where the distribution point is located in Zone 2b shall be determined by multiplying by 60 percent the fresh meat railroad carload freight rate from Omaha, Nebraska, to the distribution point, adjusted to the nearest 10¢ per cwt.

3a. Appendix 1 (b) is amended by deleting the word "Texas" where it appears in the line beginning "The entire States of Oklahoma, Arkansas, Louisiana, Texas, New Mexico, and North Dakota" and by adding at the end of Appendix 1 (b) the following:

The entire State of Texas, except that portion west and southwest of the Pecos River.

b. Appendix 1 is amended by adding at the end thereof after paragraph (h) a new paragraph (i), reading as follows:

(i) *Zone 2c.* Zone 2c means the area described as follows:

The portion of Texas which is not included in Zone 2, i. e., that portion of Texas west and southwest of the Pecos River.

c. Section 40 is amended by adding at the end thereof after subsection (f) a new subsection (g) reading as follows:

(g) *Zone 2c.* For beef graded prime or choice, and for beef variety meats and by-products listed in section 26 of this regulation the amount to be added as a zone differential where the distribution point is located in Zone 2c shall be the fresh meat railroad carload freight rate from Denver, Colorado, to the distribution point, adjusted to the nearest 10¢ per cwt.

For beef graded good, commercial, utility, cutter or canner, the amount to be added as a zone differential where the distribution point is located in Zone 2c shall be determined by multiplying by 60 percent the fresh meat railroad carload freight rate from Denver, Colorado, to the distribution point, adjusted to the nearest 10¢ per cwt.

4. Appendix 4 (a) (33) is amended by deleting "30% by chemical analysis" where it appears therein, and substituting therefor "25% by chemical analysis."

5a. Section 21 (a), (b), and (c), as amended, are amended by adding within the tables captioned "Schedule II (a)", "Schedule II (b)" and "Schedule II (c)" immediately below the lines beginning "37. Stewing beef" two new lines and prices reading as follows:

Fabricated beef cuts	Prices by grade				
	Prime	Choice	Good	Commercial	Utility
38. Lean ground beef [2]	65.40	65.40	65.40	65.40	65.40
39. Lean ground beef patties [2]	70.40	70.40	70.40	70.40	70.40

b. Section 21 (a), (b) and (c), as amended, are amended by adding immediately after the line reading "This grade of this cut is not permitted to be sold and/or delivered" a new footnote 2 reading as follows:

[2] If, at any time, a purchaser requests you to sell him ground beef (bulk) or ground beef patties and you are unable to supply his demand, you may not sell him lean ground beef or lean ground beef patties at a price in excess of the ceiling prices for ground beef (bulk) or ground beef patties.

c. Section 22, as amended, is amended by adding within the table captioned "Schedule III" immediately below the line beginning "18. Tenderloins (military specifications)" two new lines and prices for columns (2) through (8), consecutively, reading as follows:

19. Lean ground beef: [1]							
63.00	63.50	64.00	64.50	65.00	65.50	66.00	
20. Lean ground beef patties: [1]							
68.00	68.50	69.00	69.50	70.00	70.50	71.00	

d. Section 22, as amended, is amended by adding immediately below the table captioned "Schedule III" a footnote reading as follows:

[1] If, at any time, a purchaser requests you to sell him ground beef (bulk) or ground beef patties and you are unable to supply his demand, you may not sell him lean ground beef (bulk) or lean ground beef patties at a price in excess of the ceiling price for ground beef (bulk) or ground beef patties.

e. Appendix 4 (a) is amended by adding, immediately following Appendix 4 (a) (37) the following:

(38) Lean ground beef (hamburger, hamburg steak, hamburger steak) means ground, chopped, or comminuted fresh beef only derived from the skeletal portion of the dressed carcass (but not including head meat) which contains no offal, added blood, cartilage, bone, cereal product, water or ice, or any adulterant or other foreign substance except seasoning, and which does not have a fat content in excess of 12 percent by chemical analysis. "Lean ground beef" shall be ground twice, the final grinding through a plate with holes not more than 3/16 of an inch in diameter, or chopped in a rotary cutter or by other means giving equivalent results.

(39) Lean ground beef patties means lean ground beef which has been formed in portions of uniform size and thickness, each of which shall not weigh more than four ounces. They may be formed by hand or machine.

f. Appendix 3 (a), as amended, is amended by adding, immediately following Appendix 3 (a) 18, the following:

(19) Lean ground beef means lean ground beef as defined in Appendix 4 (a) (38).

(20) Lean ground beef patties means lean ground beef patties as defined in Appendix 4 (a) (39).

6. a. Section 20 (a) is amended by deleting therefrom the words "Effective through July 31, 1951".

b. Sections 20 (b) and 24 (b) are deleted.

7. Appendix 7 is amended by adding thereto, immediately before Appendix 8, the following paragraph:

(e) Specialty steak product means a beef product which

(1) Differs substantially from a beef product for which a ceiling price is provided by this regulation;

(2) Was sold in 1950 by retailers as a specialty item at a substantially higher price per pound than the most similar beef cut for which a ceiling price is provided in

Ceiling Price Regulation 25, or was sold to purveyors of meals in 1950 as a specialty item at a substantially higher price per pound than the most similar beef product for which a ceiling price is provided in Ceiling Price Regulation 24;

(3) Is contained in a distinctive wrapping or package bearing the weight of the cut, a list of the ingredients, the grade of the beef contained therein, and the name of the processor; and

(4) Requires a substantial investment for the equipment used to process and wrap or package the item.

(Sec. 704, Pub. Law 774, 81st Cong., as amended)

Effective date. This amendment shall become effective on August 1, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

AUGUST 1, 1951.

[F. R. Doc. 51-8979; Filed, Aug. 1, 1951; 10:21 a. m.]

[Ceiling Price Regulation 30, Amendment 6]

CPR 30—MACHINERY AND RELATED MANUFACTURED GOODS

EXTENSION OF EFFECTIVE DATE AND RELATED CHANGES

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 6 to Ceiling Price Regulation 30 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment extends the effective date of Ceiling Price Regulation 30 to August 13, 1951. Further, this amendment provides that the requisite 15-day waiting period before putting price increases into effect continued to run during the period when Ceiling Price Regulation 30 was partially suspended by General Overriding Regulation 13. Similar changes are made with respect to the running of waiting periods prescribed in sections 9 (b), 41 and 42. In addition, this amendment permits applications for temporary adjustments to carry out existing contracts to be filed on or before September 4, 1951, instead of August 1, 1951.

This amendment accomplishes the same objectives and is issued for the same reasons as Amendment 20 to Ceiling Price Regulation 22. Accordingly, the Statement of Considerations for Amendment 20 to Ceiling Price Regulation 22 is equally applicable to this amendment.

AMENDATORY PROVISIONS

Ceiling Price Regulation 30 is amended in the following respects:

1. The last paragraph of the regulation is amended to read as follows:

Effective date. The effective date of this regulation is August 13, 1951, or such earlier date between May 28, 1951, and August 13, 1951, as you may select. Any such earlier effective date selected on or after July 31, 1951, may not, however, be a date earlier than July 31, 1951. If you select an effective date earlier than August 13, 1951, this regulation becomes effective as to you upon that date for all of your commodities and services covered by the regulation.

2. In section 9 (b) (1) a sentence is added after the second sentence of the second paragraph to read as follows: "This 30-day waiting period shall include each day subsequent to the date of receipt of the required report by the Office of Price Stabilization (or any verification of the facts stated in the report that may be requested), regardless of the date on which the report (or any verification of the facts stated in the report that may be requested) was received by the Office of Price Stabilization."

3. Section 35 (f) is added to read as follows:

(f) Extension of the effective date of this regulation pursuant to Amendment 5 of this regulation. In case of such a redetermination, you must file an amended Public Form No. 8 by August 13, 1951.

4. Section 41 (d) is amended by adding the following sentence: "This 30-day waiting period shall include each day subsequent to the date of receipt of your application (or of any additional information that may have been requested), regardless of the date on which your application (or of any additional information that may have been requested) was received by the Office of Price Stabilization."

5. Section 42 (c) is amended by adding the following sentence: "The 30-day waiting period shall include each day subsequent to the date of receipt of the application by the Director of Price Stabilization, regardless of the date on which your application was received by the Director of Price Stabilization."

6. The first sentence of section 43 (c) is amended to read as follows: "Applications for adjustment under this section must be filed on or before September 4, 1951, with the Industrial Materials and Manufactured Goods Division, Office of Price Stabilization, Washington 25, D. C."

7. Section 46 (c) (2) is amended by adding the following sentence: "This 15-day waiting period shall include each day subsequent to the date of receipt of your report by the Office of Price Stabilization, regardless of the date on which your report was received by the Office of Price Stabilization."

(Sec. 704, Pub. Law 774, 81st Cong., as amended)

Effective date. This amendment shall become effective on July 31, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 30, 1951.

[F. R. Doc. 51-8960; Filed, July 31, 1951; 5:06 p. m.]

[Ceiling Price Regulation 51]

CPR 51—FOOD PRODUCTS SOLD IN PUERTO RICO

REVOCATION OF SUSPENSION AND EXTENSION OF EFFECTIVE DATE

Pursuant to the Defense Production Act of 1950 (Public Law 774, 81st Congress, as amended), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this revocation of suspension and extension of effective date is hereby issued.

(1) *Notice of revocation of suspension.* Notice of suspension of the provisions of CPR 51 issued July 5, 1951, is hereby revoked.

(2) *Extension of effective date.* The effective date provision of CPR 51 is hereby amended to read: This regulation shall become effective August 13, 1951.

This revocation of suspension and extension of effective date notice shall become effective as of August 1, 1951.

(Sec. 704, Pub. Law 774, 81st Cong., as amended)

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 30, 1951.

[F. R. Doc. 51-8958; Filed, July 31, 1951; 5:06 p. m.]

[Ceiling Price Regulation 64]

CPR 64—TIRE MILEAGE

Pursuant to the Defense Production Act of 1950 (Public Law 774, 81st Cong.), as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Ceiling Price Regulation 64 is hereby issued.

STATEMENT OF CONSIDERATIONS

Many bus and taxicab operators rent the tires and tubes used by them from suppliers who usually manufacture the tires and tubes as well as service them for the users. This relationship is referred to as the tire mileage business. This is strictly a service business as title to the tires and tubes never leaves the manufacturer. In most cases all phases of service are involved, such as inspection, mounting, repairing, etc.

The usual industry practice for pricing this service is to negotiate a contract between the manufacturer and the mileage operator for relatively long periods of time, never less than a year, and often running two to five years. Various base rates are established taking into consideration the individual operating conditions, the size of the tire to be used, the type of equipment which the operator has in service, and the type of roads travelled. In addition to these base rates, an adjustment clause generally applies to each contract permitting increases or decreases of the base rate for changes in these two primary factors:

(1) The cost of rubber.

(2) The cost of rayon and/or cotton. Furthermore, should the average mileage delivered exceed the pre-determined expectations, there are usually provisions which allow bonuses to the operator; and there is usually a provision relating to disposal of the tires at termination of the contract.

A tire mileage contract therefore does not permit any adjustment for labor increases, general overhead and administrative increases, advertising, transportation or any other cost increases except increases in the cost of the major raw materials, rubber, rayon and cotton.

This regulation freezes the particular supplier's base rates at the general level of the base period, December 19, 1950, to January 25, 1951, the same base period used under the General Ceiling Price Regulation and Ceiling Price Regulation 34, but allows for adjustments to reflect changes in the cost of the raw materials, rubber, rayon and cotton, from their cost at the time of the execution of the contract to their cost during subsequent accounting periods stated in the contract. It provides for new suppliers and new accounts by keeping the new contracts in line with the rest of the industry. Each operator is considered a separate class of purchaser because of the many differences in rating elements and their costs involved in each contract. In so doing, normal and established pricing methods for this service industry are maintained.

As a result of this regulation, there will be no immediate change in the cost of this service since the base rates of existing contracts are frozen and costs of the major raw materials, which are the bases for adjustments of the base rates for the immediate future, have not changed significantly since the freeze date. Cost changes are expected in these raw materials, however, and these will be passed on to the operator accordingly.

When the rates in the tire mileage industry were frozen by the General Ceiling Price Regulation and Ceiling Price Regulation 34, there was no provision for changes in the costs of the two major raw materials which represent more than half the cost of the tire. Therefore, if the costs of these raw materials increased, suppliers would have their profit margins cut substantially or eliminated entirely since this industry operates on a comparatively small profit margin. This would be undesirable since most large bus and taxicab operators use this service and the automotive transportation industry would be seriously disrupted. Under these contracts operators pay for their tires as they use them, in a more or less direct ratio, with no large capital outlay, such as would be required if they were compelled to buy their tires outright.

On the other hand, if the costs of these raw materials decreased, this decrease would not be passed on to the operator. This would be undesirable since most bus and taxicab rates are set by some public official or body and most petitions by operators for an increase or decrease in rate are based upon a rise or fall in the cost of operation. Thus a decrease in the cost of tire mileage might be reflected in a reduction in operators' charges or would offset other cost increases of the operator.

The Director of Price Stabilization considers both existing alternatives undesirable. Accordingly, in order to pass on certain decreases in costs to the operator and permit the supplier to continue this service by compensating him for increases in the costs of the major raw materials only, this regulation permits increases and requires decreases in costs to be passed on to the operator and all other cost increases or decreases to be absorbed by the supplier by the inclusion of an escalator clause in all tire mileage contracts, which is the normal industry practice.

In the judgment of the Director of Price Stabilization, this regulation is generally fair and equitable and will effectuate the purposes of the Defense Production Act of 1950.

In formulating this regulation, the Director has consulted with representatives of industry to the extent practicable under the circumstances and has given consideration to their recommendations.

REGULATORY PROVISIONS

Sec.
1. Coverage.
2. How to determine your ceiling rate.
3. Ceiling rates for new suppliers and new operator accounts.
4. Records.
5. Adjustments.
6. Adjustable rating.
7. Prohibitions.
8. Evasion.
9. Petitions for Amendment.
10. Penalties.

AUTHORITY: Sections 1 to 10 issued under sec. 704, Pub. Law 774, 81st Cong., as amended. Interpret or apply Title IV, Pub. Law 774, 81st Cong., as amended; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

SECTION 1. *Coverage.* This regulation applies to transactions between you, if you supply tire mileage, and the person who buys such tire mileage from you, hereinafter referred to as the "operator". "Tire mileage" as used in this regulation means the supplying and servicing of tires for an operator at a rate per mile. "Tires" as used in this regulation refers to pneumatic rubber tires and tubes and any flaps that are used therewith. Each individual operator is to be considered a separate class of purchaser. This regulation does not apply to the renting of vehicles where a charge for the tires or tubes is included in the rental charge for the vehicle. This regulation applies in the 48 States and the District of Columbia, but not in the territories and possessions of the United States.

SEC. 2. *How to determine your ceiling rate.* The ceiling rate for tire mileage as defined in section 1 above is determined as follows:

(a) If at any time during the base period, which is December 19, 1950, to January 25, 1951, you had in effect a tire mileage contract with an operator, your ceiling rate for tire mileage to that operator is the rate computed pursuant to the provisions of such contract so long as you supply tire mileage to that operator.

(b) Notwithstanding the provisions of section 2 (a) above, on and after September 1, 1951, no payments shall be made on any tire mileage contract unless it includes adjustments pursuant to a clause which passes on to the operator increases or decreases in the cost of rubber, rayon and cotton and was either in effect during the base period or approved by the Director of Price Stabilization.

If you had no such clause in a tire mileage contract in effect during the base period you may apply in writing to the Rubber Branch, Office of Price Stabilization, Washington 25, D. C., proposing such a clause for inclusion in your ceiling rate computations for such contract. This application shall contain a proposed adjustment clause and an explanation of your methods of computation contained therein. You should submit comparative data if available, on your other such adjustment clauses, if any, and competitive supplier's adjustment clauses in effect during the base period to similar operators.

You may not use the proposed clause until 15 days after mailing your application; thereafter, unless and until notified by the Director of Price Stabilization that your proposed clause has been disapproved or that more information is required your proposed clause shall be deemed approved. In the event that more information is required you may not use the proposed clause until 15 days after mailing the additional information.

SEC. 3. *Ceiling rates for new suppliers and new operator accounts.* (a) If you cannot calculate your ceiling rate under section 2 of this regulation:

(1) Because you are a new supplier; determine your base rates as well as your total ceiling rate for your service on an inline basis with the rest of the suppliers in the industry, taking into account the same factors, escalation clauses, bonus provisions, etc. as was used by suppliers of similar service to similar operators during the base period.

(2) Because you have a new operator account; determine your base rates as well as your total ceiling rate for your service on an inline basis with your other accounts if similar, which were being serviced during the base period, considering the same factors, where applicable, and using the same terms and conditions. Where you had no accounts similar to a new one, during the base period, compute your base and ceiling rates as well as terms and conditions in a manner and at costs in line with those used by other suppliers of the tire mileage industry. "New Operator Account," as used in this regulation, is an account which entered into a tire mileage contract with a supplier subsequent to the base period.

(b) Within 10 days after execution of a contract or 10 days after the effective date of this regulation whichever is later, a copy of any such contract involving a new supplier or a new operator account shall be filed by the supplier with the Rubber Branch, Office of Price Stabilization, Washington 25, D. C., together with a letter justifying the base rates contained therein by showing compliance in detail with paragraph (a) of this section. Your ceiling rates for sup-

plying tire mileage to that operator will be determined pursuant to your proposed contract, unless and until the Director of Price Stabilization, disapproves or modifies the rates stated in the contract.

SEC. 4. *Records.* (a) You must prepare and preserve for examination by the Office of Price Stabilization all records regarding your rates and rating methods for tire mileage contracts in effect during the base period, so long as the Defense Production Act of 1950 remains in effect and for two (2) years thereafter.

(b) You must prepare and preserve for examination by the Office of Price Stabilization all records regarding the rates and rating methods for tire mileage contracts executed after the base period for the life of the contract or two years, whichever is longer.

SEC. 5. *Adjustments.* (a) You may apply for an upward adjustment of your ceiling rates established by this regulation if as a result of these ceiling rates you would operate at rates which are lower than those utilized by the tire mileage industry generally for a similar set of rating factors.

(b) If you believe one or more of your ceiling rates are not in line with those of the industry, you may apply by letter to the Director of Price Stabilization for permission to raise such rates. Your letter should contain detailed justification for the new rates by showing them to be in line with the rates charged by other tire mileage suppliers for a similar set of rating factors. Unless and until the Director of Price Stabilization approves in writing your proposed higher ceiling rates, you will continue using your ceiling rate established under section 2 or 3 of this regulation.

SEC. 6. *Adjustable rating.* Nothing in this regulation shall be construed to prohibit your making a tire mileage service contract at the ceiling rate in effect at the start of the contract or the lower of a fixed rate or a ceiling rate in effect at the start of the contract. You may not, however, unless specifically authorized by the Office of Price Stabilization, deliver or agree to deliver the tire mileage service at a rate to be adjusted upward in accordance with any increase in the ceiling rate after the start of the contract.

SEC. 7. *Prohibitions.* (a) On or after the effective date of this regulation, regardless of any contract or other obligation, you may not sell tire mileage and no person shall buy tire mileage at a rate higher than the ceiling rate. Of course, you may charge and the operator may pay lower rates than your ceiling rates at any time.

(b) Once you have reported your base ceiling rate or proposed base ceiling rate as required by this regulation, you may not thereafter redetermine it. A purely arithmetical error may, however, be corrected, but the correction must be reported to the Rubber Branch, Office of Price Stabilization, Washington 25, D. C.

SEC. 8. *Evasion.* Any practice which results in obtaining indirectly a higher rate than is permitted by this regulation is a violation of this regulation. Such practices include, but are not limited to changes in the usual industry practices and charges regarding abused tire penalties and termination rates.

SEC. 9. *Petitions for amendment.* If you wish to have this regulation amended, you may file a petition for amendment in accordance with the provisions of Price Procedural Regulation 1.

SEC. 10. *Penalties.* Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided by the Defense Production Act of 1950.

Effective date. The effective date of this regulation is August 6, 1951.

NOTE: The record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 30, 1951.

[F. R. Doc. 51-8956; Filed, July 31, 1951; 5:08 p. m.]

[Ceiling Price Regulation 65]

CPR 65—CEILING PRICES FOR CANNED SALMON

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Ceiling Price Regulation 65 is hereby issued.

STATEMENT OF CONSIDERATIONS

This regulation establishes specific dollars-and-cents ceiling prices for sales of canned salmon by canners.

The prices of most canned salmon items increased sharply during the period from June 1950 to January 25, 1951. These increases were occasioned by the abnormally short pack in 1950 and by the wave of speculative buying which followed the outbreak of war in Korea. Further price increases were arrested by the issuance of the General Ceiling Price Regulation on January 26, 1951. At the time of issuance it was recognized that the general price freeze was not well adapted to the long range control of prices in many parts of the economy. This is especially true with respect to canned salmon. Virtually all salmon is canned during the Spring and Summer months and, because of the short pack in 1950, many canners did not make sales during the General Ceiling Price Regulation base period of December 19, 1950, to January 25, 1951. Moreover, scattered sales during the base period established varied ceiling prices for different sellers of identical items. Many packers, particularly in areas in which fish are canned during the early part of the season, will be forced to establish prices by using comparison commodities or adopting ceiling prices of competitors under sections 4 and 6 of the General Ceiling Price Regulation. Accordingly, orderly production and marketing of the 1951 pack will be facilitated by the establishment of uniform prices for identical species and grades following the historical pricing methods of the industry.

Canned salmon constitutes the largest single fishery product of the Northwest and provides a major source of low-priced, high-protein food throughout the United States. The industry is subject to peculiar conditions not common to other industries, such as severe limitations on natural supply and extreme seasonal variations in the availability of fish from year to year and among different localities. Consequently, it is desirable to establish uniform ceiling prices at levels which are generally fair and equitable if supplies of this essential food are to be made available at reasonable prices to the consumer.

The scope of cannery operations for a given year must be determined several months in advance of the first sales, and on the basis of only very general estimates of unit costs. Since a substantial part of total operating and administrative expense represents fixed commitments, unit costs vary widely with the size of the pack. Once the canning season is completed, virtually all costs may be regarded as fixed, and prices are determined on the basis of current and anticipated demand and the size of inventories held. Accordingly, it is the aim of this regulation to establish ceiling prices which will closely approximate normal competitive conditions directly in line with industry practice.

This regulation establishes dollars-and-cents ceiling prices for those items customarily distinguished for pricing purposes by the industry. Uniform prices are established for each grade and specie, regardless of producing area, and the differentials among prices of different species and grades here established are more representative of the experiences of recent years than those frozen under the General Ceiling Price Regulation. Consideration has been given to various "specialty packs" which the industry has traditionally distinguished in establishing market prices. The regulation preserves a normal average spread between raw fish prices and canned prices.

The standards used in arriving at these ceiling prices were established by adding to the prices at which the bulk of the 1949 pack was sold those increased unit costs which are reasonably common to all producers of major items. These cost elements, which include canning labor, raw fish and packing materials, and freight and warehousing, account for a substantial part of the total cost of goods sold by representative canners. The prices at which the bulk of the 1949 pack was sold are used as the base for these ceiling prices since the composition of the 1949 pack was more representative of normal operations than that experienced in 1950. The 1950 pack was the smallest in twenty years, primarily because of an unprecedented decline in the supply of Alaska Pinks in an "even" year when Puget Sound produces very little of that species. The pack was completed shortly after the

outbreak of war in Korea and the combined effect of short supply, speculative buying, and rumors of heavy military purchases resulted in an extraordinarily rapid rise in prices and decline in canner inventories. Moreover, the relative scarcity of Pinks produced ceiling prices for Pinks and Chums which are far out of line with those of other species.

Additionally, for some species these adjusted prices have been increased slightly less than $1.00 per standard case. The price for Cohoes was held at the adjusted level in order to preserve a normal relationship to the Red and Chinook prices which tend to govern it. Pinks were increased by $1.50 partly because estimated production in 1951 is substantially short of 1949 and partly because the price of Pinks was abnormally depressed during that year. For the most part these additional allowances have been made to recognize that 1949 prices for some species represented a decline from 1948 levels which resulted in relatively low earnings in 1949.

This regulation provides different prices for Chinook or King canned in different localities, ranging in descending order from the fancy Columbia River Chinook through the Alaska Chinook, Alaska King, and Puget Sound Chinook. These differences arise from the variance in the quality of fish at the time it is caught and, to a lesser degree, from special care in packing. These differentials have been established long since in the industry and were recognized in the canned salmon regulation (MPR 265) under the OPA. The same is true of Sockeyes and Reds packed in the Copper River and Puget Sound areas.

Differentials which follow industry distinctions have been recognized between flat and tall one pound cans. The amount packed in one pound flats is not significant. Half pound flats are priced at approximately 60 percent of prices for the same item in one pound talls. This figure conforms closely to free market quotations in post-war years. On the same basis the small quarter-pound packs are priced at approximately 55 percent of equivalent halves. A further allowance of $1.00 per case is permitted to provide the customary differential for hand-filled cans. Hand packing permits more careful packing and inspection of fish and is limited to relatively high-priced specialty items.

In order to prevent indirect price increases by packing barbecued, smoked, kippered or otherwise processed salmon so as to obtain higher net returns, this regulation contains a provision which requires that prices of any canned salmon item not specifically listed be priced in line with the prices of standard packs, and that such prices may only be established by application to the Office of Price Stabilization.

The highly seasonal nature of the salmon industry requires that ceiling prices be established for each year's pack as it comes to market. Consequently, this regulation establishes prices only for the 1951 pack and the small carry-over of the 1950 pack. Should the 1951 pack actually be abnormally large or small these ceiling prices will be promptly revised to reflect more accurately the changes in unit costs.

In formulating this revised regulation, the Director of Price Stabilization has consulted with industry representatives to the extent practicable and has given full consideration to their recommendations. In his judgment the provisions of this regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

So far as practicable, the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the Defense Production Act of 1950; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to relevant factors of general applicability.

REGULATORY PROVISIONS

Sec.
1. Coverage of this regulation.
2. Geographical applicability.
3. Definitions.
4. Ceiling prices for canned salmon sold by canners.
5. Conditions and terms of sale.
6. Records.
7. Prohibitions.
8. Penalties.

AUTHORITY: Sections 1 to 8 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10151, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *Coverage of this regulation.* This regulation establishes specific dollars-and-cents ceiling prices for the sale of all canned salmon by canners. These ceiling prices supersede those established by the General Ceiling Price Regulation.

SEC. 2. *Geographical applicability.* The provisions of this regulation are applicable in the United States, its territories and possessions and the District of Columbia.

SEC. 3. *Definitions.* (a) Terms used in this regulation, unless defined herein, or unless the context requires a different meaning, have the same meaning as when used in the General Ceiling Price Regulation.

(b) For the purpose of this regulation, the terms enumerated below shall have the following meanings:

(1) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, the legal successor or representative of any of the foregoing, and includes the United States, any agency thereof, any other government, or any of its political subdivisions, and any agency thereof.

(2) "Canner" means a person who preserves salmon by processing and sterilizing in hermetically sealed containers.

(3) "You" means any canner, as herein defined, his agents or employees or any other person acting in his behalf or under his control.

(4) "Salmon" means any canned fish of the genus Oncorhynchus or of the species Salmo gairdnerii.

(5) Species of Salmon are defined as follows:

"Red" salmon includes Red, Blueback, Quinnault, Alaska Sockeye and Puget Sound Sockeye (Oncorhynchus nerka).

"Coho" salmon includes Coho, Silver, and Silverside (Oncorhynchus kisutch).

"Pink" salmon includes Pink and Humpback (Oncorhynchus garbuscha).

"Chinook" salmon includes Chinook, Spring, King, Tyee, and Quinnat (Oncorhynchus tschawytscha).

"Chum" includes Chum and Dog (Oncorhynchus Keta).

(6) "Price per case" means the price for 48 cans of salmon, packed for shipment in the usual container.

(7) Sizes of cans are defined as follows:

One pound "Tall" means a can 301 x 411.

One pound "flat" means a can 401 x 211.

One-half pound "flat" means a can 307 x 201.25.

One pound "oval" means a can 406 x 607 x 108 C. R.

One-half pound "oval" means a can 309 x 515 x 103 C. R.

One-half pound "flat" means a can 307 x 200.25 C. R.

One-quarter pound "flat" means a can 301 x 106 C. R.

(8) "C. R." is the abbreviation for Columbia River.

(9) "Handpacked" means salmon which has been prepared for canning by hand and packed in the containers by hand.

SEC. 4. *Ceiling prices for canned salmon sold by canners.* (a) The prices set forth below are ceiling prices per case of 48 cans f. o. b. car at Seattle, Washington (or Everett or Bellingham, Washington, or Astoria, Oregon), for salmon canned in territory outside the continental United States and f. o. b. car at the shipping point nearest the cannery for salmon canned within the United States. For salmon canned in Alaska and sold for consumption in Alaska, the ceiling price shall be the price set forth below less the actual costs to ship it by water from the shipping point nearest the cannery in Alaska to Seattle, Washington.

Variety	Style of container	Price per case
Alaska King	1 pound talls	$26.00
Alaska Chinook	1 pound flats	31.00
Do	½ pound flats	19.00
Alaska Reds	1 pound talls	29.00
Do	1 pound flat	30.00
Do	½ pound flat	18.00
Cohoes	1 pound tall	25.00
Do	1 pound flat	26.00
Do	½ pound flat	15.00
Do	¼ pound flat	8.25
Pinks	1 pound tall	21.00
Do	1 pound flat	22.00
Do	½ pound flat	12.50
Do	¼ pound flat	7.00
Chums	1 pound tall	19.00
Do	½ pound flat	11.50
Copper River Sockeye	1 pound tall	30.50
Do	1 pound flat	31.50
Do	½ pound flat	19.00
Puget Sound Chinook	1 pound tall	25.00
Do	½ pound flat	15.00
Do	¼ pound flat	8.00
Puget Sound Sockeye	1 pound tall	31.50
Do	1 pound flat	32.50
Do	½ pound flat	20.00
Do	¼ pound flat	11.00
C. R. Chinook Fancy	1 pound tall	34.50
Do	1 pound flat	35.50
Do	1 pound oval	40.00
Do	½ pound flat	21.00
Do	½ pound oval	25.00
Do	¼ pound flat	11.50

Variety	Style of container	Price per case
C. R. Chinook Choice	1 pound tall	$27.50
Do	1 pound flat	28.50
Do	½ pound flat	16.00
Do	¼ pound flat	8.75
C. R. Chinook Standard	1 pound tall	21.00
Do	1 pound flat	22.00
Do	½ pound flat	12.50
Do	¼ pound flat	6.75
C. R. Chinook Unclassified	1 pound tall	17.50
Do	1 pound flat	18.50
Do	½ pound flat	10.50
C. R. Silversides	1 pound tall	25.00
Do	1 pound flat	26.00
Do	½ pound flat	15.00
Do	¼ pound flat	8.25
C. R. Steelheads	1 pound tall	27.50
Do	1 pound flat	28.50
Do	½ pound flat	16.00
Do	½ pound oval	19.00
Do	¼ pound flat	8.75
C. R. Bluebacks	½ pound flat	21.00
Do	¼ pound flat	11.50
C. R. Chums	1 pound tall	19.00
Do	1 pound flat	20.00
Do	½ pound flat	11.50

(b) For hand-packed salmon, you may increase the ceiling prices established by paragraph (a) of this section by $1.00 per case.

(c) For cases containing more than 48 cans, you may increase the ceiling prices established by paragraph (a) of this section proportionately to the additional number of cans per case.

(d) For varieties, container sizes, or types and styles of pack of salmon not listed in paragraph (a), the ceiling price shall be a price determined by the Director of Price Stabilization to be in line with the prices listed in paragraph (a). Such determination shall be made upon written request addressed to the Fish Branch, Office of Price Stabilization, Washington 25, D. C., showing the variety of salmon and style of container listed in section 4 (a) above to which the unlisted product is most similar and your price differential between the unlisted product and most similar listed product as of June 24, 1950 or the latest previous date on which both products were sold or offered for sale by you. You may not sell your product under this paragraph (d) until you receive written notification of the ceiling price which has been approved for such product.

SEC. 5. *Conditions and terms of sale.* The ceiling prices set forth in Section 4 of this regulation are gross prices and you must continue to apply all customary delivery terms, discounts, allowances, guarantees and other usual and customary terms and conditions of sale; except that in no instance shall the gross selling price of any item covered by this regulation exceed the ceiling price for such item as set forth in Section 4.

SEC. 6. *Records.* If you sell canned salmon in the course of trade or business or otherwise deal therein, after the effective date of this regulation, you must preserve and keep available for examination by the Director of Price Stabilization for a period of two years, accurate records of each sale, showing:

(1) The date of sale;

(2) The name and address of the buyer and of the seller;

(3) The price contracted for or received;

(4) The quantity, the grade or brand, style of pack and container size.

SEC. 7. *Prohibitions.* On or after the effective date of this regulation, regardless of any contract, agreement or other obligation, you shall not sell or deliver, and no person in the course of trade or business shall buy or receive any commodity covered by this regulation at prices higher than those established by this regulation, and no person shall agree, offer, solicit, or attempt to do any of the foregoing. The price limitations set forth in this regulation shall not be evaded, whether by direct or indirect methods, in connection with any offer, solicitation, agreement, sale, delivery, purchase, or receipt of, or relating to any of the commodity covered by this regulation, alone or in conjunction with any other commodity, or by way of any commission, service, transportation or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or by changing the selection or style of processing or the canning, wrapping or packaging of the commodities covered by this regulation, or in any other way.

SEC. 6. *Penalties.* Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions and suits for damages provided by the Defense Production Act of 1950, as amended.

Effective date. This regulation shall become effective the 8th day of August 1951.

NOTE: The record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 30, 1951.

[F. R. Doc. 51-8962; Filed, July 31, 1951; 5:05 p. m.]

[Ceiling Price Regulation 66]

CPR 66—ASPHALT AND ASPHALT PRODUCTS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Ceiling Price Regulation 66 is hereby issued.

STATEMENT OF CONSIDERATIONS

The General Ceiling Price Regulation, issued on January 26, 1951, was a tentative and general measure designed to arrest the mounting inflation which was sweeping the economy, pending the issuance of specific regulations tailored to the needs of different industries. This regulation, applicable to petroleum asphalt and asphalt products, is the fifth to be issued covering a distinct segment of petroleum marketing activity. Its issuance marks the removal of all petroleum products from the coverage of the General Ceiling Price Regulation and the completion of tailored regulations governing the prices of such products.

Corresponding to the regulations which have preceded it, covering other petroleum products, this regulation is of the formula-freeze type. Unlike the others, it has a base period extending from August 1, 1950, to January 25, 1951. This longer base period was selected because it is of sufficient length to cover the marketing of asphalt products in sufficient volume to determine representative prices. The period December 19, 1950, to January 25, 1951, adopted for other petroleum product pricing, was not considered a truly representative base period for determining ceiling prices because of the insufficient number of sales made during this period. Since the bulk of asphalt products is sold for construction purposes, principal sales are normally made during the period, April 1–October 15. By extending the base period to August 1, there has been included a sufficient portion of the construction season upon which representative prices may be established.

With the exception of a different base period, the principal pricing provisions of this regulation also conform to those adopted in the petroleum regulations previously issued. A seller's ceiling price is based on the highest price charged by him for a sale of a particular asphalt product to a purchaser of the same class during the base period. However, during this chosen base period, substantial sales were made by asphalt marketers on the basis of fixed price contracts entered into late in 1949 and early in 1950. These sales did not reflect market conditions prevailing during the base period and, accordingly, the regulation provides that in determining ceiling prices, a seller may include prices established in written contracts or oral agreements to sell when verified by written memoranda or other written evidence made during the base period. Oral agreements are a customary method of conducting negotiations in the marketing of asphalt for road construction purposes which accounts for the major portion of asphalt sold. It is deemed appropriate that such transactions during the base period be considered in the establishment of ceiling prices.

Where the foregoing method of determining ceiling prices is inapplicable, the regulation provides that a seller shall determine his price on the basis of his highest offering price during the base period. Offering price is construed to include prices shown in the seller's price list. Such price lists customarily establish prices on an f. o. b. refinery basis. Since a substantial volume of sales is made on a delivered at destination basis, and in the case of road asphalt, is frequently predicated on bids for a multiplicity of new points, it is administratively expedient that a reasonable formula be provided for the ready determination of such prices without the need for review and approval by this office. For this reason, the regulation permits the determination of delivered at destination ceiling prices from f. o. b. refinery prices by adding to f. o. b. refinery prices the actual cost of transportation. However, since it is customary for the industry to meet competition through freight absorption practices, the regulation requires that prices at new destination points shall reflect the seller's customary freight equalization practices.

The regulation sets up two classes of products, namely, standard and special products. There are four basic grades of standard products and in each case the definition of a standard product is based on both the purpose for which it is sold and its specifications. Any product that does not fall within one of the four descriptive categories is a special product. The distinction drawn between standard and special products conforms to the marketing practices of the industry, and the pricing provisions for new products are adapted insofar as practicable to the industry's normal and singular pricing practices with respect to such products. This distinction is further designed to identify standard products for the eventual establishment of specific prices at principal marketing points. In the judgment of the Director of Price Stabilization, specific prices for standard asphalt products are administratively desirable and practical and should be established as expeditiously as possible. It is not deemed practicable to undertake a spell-out of specific prices for special asphalt products due to the variety of such products and the proprietary and varied character of their composition and specifications.

Provision is made in the regulation to allow refiners, convertors, and compounders whose total cost of components of a product on March 15, 1951, exceeds by more than 5 percent such cost on June 1, 1950, because of a change in the costs of the purchased components entering directly into the product and/or the non-returnable container used for shipping such product, or in the case of a reseller, the delivered cost of a finished product, to modify their ceiling prices for the product to reflect the dollar and cents increased costs of purchased components, products and/or non-returnable containers. However this provision is subject to the proviso that in computing the amount that may be added to ceiling prices, there shall be deducted from the increased costs any advances made in selling prices since June 1, 1950. Sellers using this provision to adjust their ceiling prices upward are required to reduce their ceiling prices when their total costs of a product have declined by more than five percent subsequent to March 15, 1951, due to a change in the costs of purchased components or in the case of a reseller, the purchased product, including non-returnable containers. The purpose and effect of this provision is to restore and maintain dollar and cents margins for compounded asphalt products in existence during the period immediately prior to the outbreak of hostilities in Korea. In adopting the stipulation that the increase or decline in costs shall be more than five percent before a change in ceiling price may be made or required, the Director of Price Stabilization gave consideration to the desirability of preventing every change in cost, no matter how infinitesimal, from being reflected in ceiling prices. This formula differs from that used in Ceiling Price Regulation 22 and the reasons therefor have been set forth in the Statement of Considerations accompanying Ceiling Price Regulation 63, Lubricating Oils, Greases, Waxes and Certain Other Petroleum Products, which contains a similar provision for another segment of the petroleum industry.

The regulation also authorizes the addition to ceiling prices of transportation rate increases occurring between January 26, 1951, and May 15, 1951, inclusive, which have been authorized by Federal or State regulatory bodies or the Office of Price Stabilization. This provision has been adopted because transportation charges represent a significant element of cost in the case of asphalt products since they are products of low value relative to their weight.

One of the more serious problems confronting the petroleum industry is the growing scarcity of steel containers which are indispensable to the distribution of petroleum products. Customarily the petroleum industry sells a substantial portion of its products on a nonreturnable drum basis. It has now become imperative that drums be returned to primary sellers, necessitating that such sellers shift from a non-returnable to a returnable drum basis. Since drums had a value during the base period to purchasers who are now required to return them, it is equitable that an allowance be made to such purchasers for the loss of value involved. Such value was variable depending upon the disposition individual purchasers made of these drums, and it is not possible to ascertain such values with any degree of accuracy. In the judgment of the Director of Price Stabilization, it is desirable that these values be specific and uniform and in conformity with the ceiling prices established for raw used drums purchased by container reconditioners. The specific allowances set forth in this regulation conform, therefore, to the ceiling prices as established for raw used drums under Ceiling Price Regulation 36, Used Steel Drums, effective May 16, 1951.

At the present time, there exists a variance among suppliers in their ceiling deposit charges for returnable drums. Provision is made in the regulation to allow a maximum deposit charge of $10.00 for 55-gallon, 16–20 gauge steel drums. This is designed to provide a maximum deposit charge for sellers who since the base period have converted from a non-returnable drum basis to a returnable drum basis and to make possible a uniform deposit system for all asphalt sellers. This deposit charge is higher, in some instances, than actually charged by suppliers during the base period, but under prevailing circumstances, such higher deposit appears warranted. Moreover, although this deposit charge is also higher than replacement cost, it is not so high that it may be considered susceptible to evasive use.

In establishing the foregoing pricing methods and procedure, the Director of Price Stabilization has given careful consideration to their adaptation to the customary practices of the industry so as to provide as flexible an instrument as possible within the general context of price controls.

Prior to the formulation of this regulation the Director of Price Stabilization advised with a large number of persons representing a substantial part of the industry and the regulation has been reviewed by the Petroleum Industry Advisory Committee for Asphalt and Asphalt Products established by the Director of the Office of Price Stabilization.

FINDINGS OF THE DIRECTOR OF PRICE STABILIZATION

In the judgment of the Director of Price Stabilization the ceiling prices established by this regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to relevant factors of general applicability.

REGULATORY PROVISIONS

SCOPE OF THE REGULATION

Sec.

1. Transactions and persons covered.
2. Geographical coverage.
3. Products excepted from the General Ceiling Price Regulation.
4. Imports.
5. Transfers of business or stock in trade.
6. Adjustable pricing.
7. Petitions for amendment.
8. Price revisions incident to orders establishing specific prices.
9. Shifts which must be reported.
10. Records.
11. Compliance with this regulation required.
12. Definitions.

CEILING PRICES

13. Ceiling prices for asphalt and asphalt products.
14. Seller unable to determine ceiling price.
15. Customary price differentials.

INCREASES PERMITTED OR REDUCTIONS REQUIRED

16. Transportation.
17. Taxes.
18. Changes in the costs of purchased products, components and nonreturnable containers.
19. Containers.

AUTHORITY: Sections 1 to 19 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105.

SCOPE OF THE REGULATION

SECTION 1. *Transactions and persons covered.* This regulation covers all sales and deliveries of asphalt and asphalt products, either by refiners, resellers, distributors, roofers, retailers or by any other persons, except the following:

(a) *Exchanges.* Exchanges of petroleum products covered by this regulation between refiners or other petroleum sellers, provided such exchanges conform to customary practices of the industry during the base period. Such exchanges are also exempt from all ceiling price regulations. The Office of Price Stabilization will not grant any increases in the ceiling prices of petroleum products covered by this regulation where the requested revision in price is due to the price at which such products have been exchanged.

(b) *Subsidiaries.* Sales between corporations when one is a wholly owned

subsidiary of the other, or when both are wholly owned subsidiaries of a third corporation, and sales between such other affiliated or controlled corporations as are especially excepted by order in writing by the Director of Price Stabilization or his duly authorized representative, provided prices at which such sales are made do not affect the level of existing ceiling prices. Such sales are also exempt from all ceiling price regulations.

SEC. 2. *Geographical coverage.* The provisions of this regulation are applicable to the United States, its Territories and Possessions and the District of Columbia.

SEC. 3. *Products excepted from the General Ceiling Price Regulation.* Any products or transactions excepted from the coverage of this regulation are also exempt from the provisions of the General Ceiling Price Regulation. However, certain petroleum products and transactions related thereto may be covered by other specific price regulations.

SEC. 4. *Imports.* Ceiling prices in this regulation shall apply even though the product involved originated outside of the area covered by the regulation and was imported into such area.

SEC. 5. *Transfers of business or stock in trade.* If the business, assets or stock in trade of any business are sold or otherwise transferred after January 26, 1951, and the transferee carries on the business or continues to deal in the same type of products in an establishment separate from any other establishment previously owned or operated by him, the ceiling prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available or turn over to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record provisions of this regulation.

SEC. 6. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the ceiling price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Stabilization, deliver at prices to be adjusted upward in accordance with action taken by the Director after delivery. Such authorization may be given when a request for a change in the applicable ceiling price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Defense Production Act of 1950. The authorization may be given by the Director or by any official of the Office of Price Stabilization to whom the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

SEC. 7. *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Price Procedural Regulation No. 1, Revised.

SEC. 8. *Price revisions incident to orders establishing specific prices.* The Director of Price Stabilization may by supplementary regulation or by special order of general applicability establish specific ceiling prices or otherwise modify the provisions of this regulation with respect to certain products, transactions or geographical area.

SEC. 9. *Shifts which must be reported.* Where a seller has established a ceiling price on a delivered-at-destination basis at a given point for a particular petroleum product to a purchaser and thereafter sells such purchaser on an f. o. b. shipping point price basis, he shall report such shift to the Director of Price Stabilization within thirty days after the date such sale is made if the effect of selling on an f. o. b. shipping point price basis is to increase the laid-down cost to the purchaser above the seller's delivered-at-destination ceiling price to such purchaser. However, a seller may not shift to an f. o. b. shipping point price basis unless he has an f. o. b. shipping point ceiling price properly determined under the appropriate provisions of this regulation. The Director of Price Stabilization may by special order modify the terms and provisions applicable to such sales when in his judgment, the reported shift constitutes an evasion of the purposes of this regulation.

SEC. 10. *Records.* (a) With respect to any commodity covered by this regulation the provisions of section 16 of the General Ceiling Price Regulation are hereby continued in effect insofar as they apply to the preparation and preservation of "base period records" and such "current records" as have been made as a result of sales between January 26, 1951, and the effective date of this regulation.[1]

(b) (1) You shall prepare and preserve for the life of the Defense Production Act of 1950 and for two years thereafter all records necessary to determine whether you have computed your ceiling prices correctly, including (but not limited to) records showing base period prices and product costs, and records showing costs, prices, and sales for the other applicable periods and dates referred to in the regulation.

(2) The records to be preserved under this paragraph must include appropriate work sheets. The work sheets may be in any convenient form so long as they include all data and calculations required to determine your ceiling prices.

(c) You shall preserve for a period of two years all records showing the prices at which sales of commodities subject to the regulation have been made.

SEC. 11. *Compliance with this regulation required*—(a) *Prohibition against selling or delivery of asphalt products at prices above the ceiling.* On and after the effective date of this regulation regardless of any contract or other obligation, no person shall sell or deliver and no person shall buy or receive in the course of trade or business any asphalt product covered by this regulation at prices higher than the ceiling prices fixed by this regulation, and no person shall agree, offer, solicit, or attempt to do anything prohibited in this section. Prices lower than the ceiling prices may be charged, demanded, paid or offered.

(b) *Evasion.* The ceiling prices established by this regulation shall not be evaded either by direct or indirect methods in connection with the purchase, sale, delivery or transfer of asphalt products alone or in conjunction with any other materials, or by way of any commission, service, transportation, or any other charge, or discount, premium or other privilege, or by tie-in-agreement or othe trade understanding or by a change in the quality of the product, or otherwise, except when such change in quality results from order of any agency of the United States Government.

(c) *Enforcement.* Any person who violates any provision of this regulation is subject to the criminal penalties, civil enforcement actions, and suits for damage provided for by the Defense Production Act of 1950.

SEC. 12. *Definitions*—(a) *Person.* This term includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor and representatives of any of the foregoing, and includes the United States or any agency thereof, or any other government or any of its political

---

[1] The portions of the General Ceiling Price Regulation here referred to are as follows:

SEC. 16. *Base period records.* (a) (1) You must preserve and keep available, for examination by the Director of Price Stabilization those records in your possession showing the prices charged by you for the commodities or service which you delivered or offered to deliver during the base period. * * *

(2) In addition, on or before March 22, 1951, you must prepare and preserve a statement showing the categories of commodities in which you made deliveries and offers for delivery during the base period. * * *

(3) On or before March 22, 1951, you must also prepare and preserve a ceiling price list, showing the commodities in each category (listing each model, type, style, and kind), or the services, delivered or offered for delivery by you during the base period together with a description or identification of each such commodity or service and a statement of the ceiling price. Your ceiling price list may refer to an attached price list or catalog. * * *

(4) You must also prepare and preserve a statement of your customary price differentials for terms and conditions of sale and classes of purchasers, which you had in effect during the base period. * * *

(b) *Current records.* If you sell commodities or services covered by this regulation you must prepare and keep available for examination by the Director of Price Stabilization for a period of two years, records of the kind which you customarily keep showing the prices which you charge for the commodities or services. In addition, you must prepare and preserve records indicating clearly the basis upon which you have determined the ceiling price for any commodities or services not delivered by you or offered for delivery during the base period. * * *

"Base period" as used in section 16 of the General Ceiling Price Regulation means December 19, 1950, to January 25, 1951, inclusive.

subdivisions, or any agency of any of the foregoing.

(b) *Contract.* This term means an agreement, the existence of which is established by written evidence.

(c) *Offering price.* The price at which a product was offered means the price shown in the seller's price list, or if a particular price was not included therein, or if he had no price list, the price at which he offered products in any other written manner. These prices shall be subject to the seller's customary allowances, discounts, and price differentials, and further, when delivered prices are determined from such list prices, the seller's customary freight equalization practices shall be continued.

(d) *Purchaser of the same class.* This term refers to the practice adopted by the seller in setting different prices for a product for sales to purchasers performing different functions (for example, refiners; jobbers; industrial consumers; government) or for purchasers performing the same functions but located in different areas or buying in different quantities or grades or under different conditions of sale. Price is prima facie evidence but not conclusive evidence to be considered in determining if a purchaser belongs to a particular class; however, a lower price to a particular purchaser which was to meet competition and was otherwise inconsistent with the seller's practice in setting the same price to purchasers in the same functional class shall neither result in placing the particular purchaser in a lower price class nor be considered in determining a seller's ceiling price.

(e) *Sale.* The term "sale" for purposes of using the "ceiling price based on sales" method of section 13 (b) (1) shall include:

(1) Sales in the base period pursuant to oral or written contracts, including spot sales, made during such period.

(2) Written contracts or oral agreements to sell, verified by written memoranda or other written evidence made during the base period whether or not deliveries were made thereunder but which provided for performance to begin during or after the base period.

(3) Deliveries made during the base period under a contract made between June 1, 1950, and December 18, 1950, inclusive, if such contract was adjustable to reflect market conditions during the base period.

Provided, however, In all cases deliveries made in the base period under contracts entered into prior to June 1, 1950, shall not be considered as a "sale" unless the buyer and seller agree to continue such contracts, or to enter into new contracts containing substantially the same provisions in which case the ceiling price may be established on the basis of such contracts.

(f) *Competitor of the same class.* This term means a seller: (1) Of similar type, (2) performing the same function, (3) dealing in the same type of commodity, and (4) selling to the same class of purchaser.

(g) *Delivery point.* This term whenever referred to in this regulation means the different customary price areas of the seller, such price areas being reflected by the seller on a stated price or differential basis. Each such price area shall be interpreted as a delivery point and the ceiling price of each seller in each such price area shall reflect his customary differentials or differences in price.

(h) *Base period.* This term means the period from August 1, 1950, to January 25, 1951, inclusive.

(i) *Asphalt.* This term means any asphalt refined from petroleum.

(j) *Standard product.* This term means any of the following grades:

(1) "Roofing flux" means any grade of soft asphalt or liquid asphalt having a melting point of less than 110° F. (Method ball and ring A. S. T. M. D. 36–26) when sold to the roofing or floor covering industry for saturating or further processing to a higher melting point.

(2) "Oxidized asphalt" means any grade of asphalt which has a penetration of less than 125 (method A. S. T. M. D. 88–30) and has not been specially processed by the addition of another component, and when sold to the roofing or floor covering industry has been air-blown to a melting point above 90° F.

(3) "Asphalt cement" means any grade of asphalt which has a penetration of more than 30 and less than 300 at 77° F. when used for paving purposes.

(4) "Liquid asphalt" means any grade of asphalt which flows at 77° F. when used for road construction or similar ground surfacing.

S. C. (slow curing).
M. C. (medium curing).
R. C. (rapid curing).
Road oil.
Emulsions.

(k) *Special product.* This term means any asphalt or asphalt product not included under "standard products" with the exception of those products which have been specially processed by the roofing or paint industry by the addition of another component.

CEILING PRICES

SEC. 13. *Ceiling prices for asphalt and asphalt products*—(a) *Specific bulk prices for standard products.* [Reserved.]

(b) *Formula prices*—(1) *Ceiling price based on sales.* Where no applicable specific price has been established under (a) above, the ceiling price for each seller for each product covered by this regulation at each shipping or delivery point shall be the highest price charged at that point by him during the period August 1, 1950, to January 25, 1951, inclusive, for a sale of such product to a purchaser of the same class.

(2) *Ceiling price based on offering price.* If a seller is unable to determine a ceiling price under (1), the ceiling price for such seller at each shipping or delivery point for each product covered by this regulation shall be the highest offering price at the shipping or delivery point during the period August 1, 1950, to January 25, 1951, inclusive, for a sale of such product to a purchaser of the same class. If a seller has no delivered-at-destination offering price for a particular asphalt product at a given point in an area in which he has been customarily making deliveries, but has an f. o. b. refinery offering price for such product, the seller may establish a delivered-at-destination ceiling price at such point by adding to his f. o. b. refinery price the cost of transportation by normal methods of delivery computed according to the seller's customary freight equalization practices.

SEC. 14. *Seller unable to determine ceiling price*—(a) *Minor differences method for standard or special products.* Where a ceiling price for a particular product cannot be determined under the preceding pricing methods of this regulation and where the product differs from a product for which a ceiling price has been determined under this regulation, only by reason of minor differences in composition which do not prevent its offering substantially equivalent serviceability, the ceiling price of the particular product shall be the same as that of the product for which a ceiling price has been established.

However, this provision may not be used if the current delivered cost of the components of the particular product varies by more than five per cent from the current delivered cost of the components of the product for which a ceiling price is established. In computing cost, a refiner shall use with respect to the components obtained from his own refinery operations the value which he placed on those components during the base period as evidenced by accounting records maintained for this purpose. With respect to purchased components or products, current delivered costs shall be used.

(b) *Where minor differences method is inapplicable*—(1) *Standard product.* If a seller is unable to determine his ceiling price at a given shipping or delivery point for the sale of any standard asphalt product under the minor differences method of pricing, then the seller may nevertheless make a sale of such product at that point. The sale price shall be in line with the level of prices otherwise established by this regulation. The differential between the sale price of this standard product and the ceiling prices of the seller for other standard asphalt products shall be consistent with the seller's customary practices. Within fifteen (15) days of the making of the sale, the seller shall file by registered mail, return receipt requested, with the Petroleum Branch, Office of Price Stabilization, Washington 25, D. C., a written request for approval of the ceiling price together with a statement of the basis used to determine this price. The price filed shall be the seller's ceiling price for the particular product until it is disapproved in writing or a different price is established by the Office of Price Stabilization. A price established under this section may be changed at any time by order of the Office of Price Stabilization. If a seller shall fail to report a sale as required by this section, the Office of Price Stabilization may at any time upon written notice to the seller establish his ceiling price for the particular product at

the particular point, effective retroactively to the date of the first sale.

(2) *Special product.* If a seller is unable to determine his ceiling price at a given shipping or delivery point for the sale of any special asphalt product under the minor differences method of pricing, the seller shall establish his ceiling price on the basis of the average of the markups on two comparable products as follows:

(i) *Convertors, compounders and resellers.* A convertor, compounder or reseller shall select two products which he sells which are nearest in specifications to the product to be priced. Of the two products, one shall be next lower in current delivery cost to the new product and the other shall be next higher in current delivered cost. In no case shall any product be selected which varies more than twenty percent from the current delivered cost of the product being priced. The seller shall establish his ceiling price by (*a*) dividing the ceiling price for each such product by its current delivered cost; (*b*) adding the resulting figures and dividing by 2; (*c*) multiplying the current delivered cost of the product priced by the figure obtained in (2).

(ii) *Refiners.* A refiner shall determine his ceiling price by the procedure for a convertor, compounder or reseller in (b) (2) (i) above, using his current delivered costs for the components he buys. With respect to the components he manufactures, he shall use in the place of current delivered costs of the components the value which he placed on such components during the base period, as evidenced by accounting records maintained for this purpose.

(3) *Filing provision.* The ceiling prices determined pursuant to sections (b) (2) (i) and (b) (2) (ii) above, shall be filed by registered mail, return receipt requested, within fifteen days of the making of the sale, with the Petroleum Branch, Office of Price Stabilization, Washington 25, D. C., together with the pertinent specifications and composition of the three products plus any additional information deemed relevant by the seller. Upon filing, the price shall be the seller's ceiling price for the particular product unless it is disapproved in writing or a different price is established by the Office of Price Stabilization. If he wishes, the seller may request a ceiling price before making a sale. A tentative price established under this section may be changed at any time by order of the Office of Price Stabilization. If a seller shall fail to report a ceiling price, the Office of Price Stabilization may upon written notice to the seller establish his ceiling price for a particular product at the particular point, effective retroactively to the date of the making of the first sale of the product.

(c) *Final pricing method; new products which the seller is unable to price under preceding methods.* If under other provisions of this regulation, a seller is unable to determine his ceiling price at a given shipping or delivery point for any product covered by this regulation, then the seller may nevertheless make a sale of such product at that point. If he wishes, he may request a ceiling price before making a sale. Within fifteen days of the making of the sale, the seller shall file by registered mail, return receipt requested, with the Petroleum Branch, Office of Price Stabilization, Washington 25, D. C., a written request for approval of a ceiling price including a statement setting forth:

(1) Why the methods set forth above are inapplicable, indicating the name, end use, pertinent specifications and composition of the new product.

(2) The proposed ceiling price and the method used to determine it.

(3) Names and established ceiling prices of comparable competitive products giving the information which the seller is able to obtain regarding the pertinent specifications and end use of such products and the reason why the seller believes the proposed price is in line with the level of ceiling prices otherwise established by this regulation.

(4) Any other information which the seller can give to substantiate the ceiling price he is filing. The price filed shall be the seller's ceiling price unless it is disapproved in writing or a different price is established. A price established under this section may be changed at any time by order of the Office of Price Stabilization. If a seller shall fail to report a ceiling price, the Office of Price Stabilization may upon written notice to the seller establish his ceiling price for the particular product at the particular point, effective retroactively to the date of the making of the first sale of the particular product.

SEC. 15. *Customary price differentials.* The ceiling prices determined under the pricing provisions of this regulation shall reflect customary price differentials, discounts, allowances and premiums in effect during the base period to all classes of purchasers.

INCREASES PERMITTED OR REDUCTIONS REQUIRED

SEC. 16. *Transportation.* There may be added to the applicable ceiling prices determined under other sections of this regulation an amount not in excess of the following:

(a) The exact amount of increase in transportation costs to the seller or his reseller customer resulting from transportation rate increases including excise taxes applicable to such rate increases between January 26, 1951 and May 15, 1951, inclusive, permitted by Federal or State regulatory bodies or by the Office of Price Stabilization.

(b) Where transportation is in facilities owned or controlled by the seller the same increases as provided in (1) above where the movement involved is in lieu of transportation by such regulated carrier.

SEC. 17. *Taxes.* Any seller may collect, in addition to the ceiling prices established by this regulation, any new excise, sales or similar tax imposed upon him after January 25, 1951, by reason of his sales of any of the products covered by this regulation if he is not prohibited by law from making such collection and if he states separately from his selling price the amount of the tax collected.

SEC. 18. *Changes in the costs of purchased products, components and non-returnable containers*—(a) *Refiners, convertors, compounders and resellers.* When a refiner's, convertor's or compounder's total delivered cost of components of a product on March 15, 1951 exceeds by more than five per cent his total cost of components on June 1, 1950, because of a change in the costs of the purchased components entering directly into the product and/or the non-returnable container used for shipping such product, or in the case of a reseller, the delivered cost of a finished product, he may modify his ceiling price for the product to reflect the dollar and cents increased costs of purchased components and/or non-returnable container.

However, in computing the amount that may be added to his current ceiling price for each class of purchaser, he shall deduct from his increased costs the amount by which his current ceiling price exceeds his June 1, 1950, selling price to that class. In computing costs of purchased components, products and/or non-returnable containers on June 1, 1950, and March 15, 1951, refiners, convertors, compounders, and resellers shall use the delivered costs of these products less any discounts or allowances obtained (not including customary cash discounts) as of the dates nearest, but prior to and including June 1, 1950, and March 15, 1951. These costs for both prescribed dates shall be based on normal buying practices. For example, any cost based upon smaller quantity purchases or use of a more distant source of supply than customary would constitute departures from normal buying practices. Refiners, in computing total cost of components on June 1, 1950, shall use as delivered cost for the components obtained from their own refinery operations the value placed on such components on June 1, 1950, as evidenced by accounting records maintained for this purpose. Any seller having used this provision to increase his ceiling price for a product shall reduce this new ceiling price by the dollar and cents decreased costs of purchased components, products and/or non-returnable containers when his total costs of components of the product, or in the case of a reseller, the delivered cost of a finished product and/or non-returnable containers have decreased by more than 5 percent subsequent to March 15, 1951. In computing total costs, refiners, convertors, compounders and resellers shall use the applicable procedures set forth above.

(b) *Resellers.* Where a producer's ceiling price for an asphalt product has been increased or decreased by the use of this section, the reseller's ceiling price for such product shall be modified by the amount of the dollar and cents difference in cost to him.

(c) *Filing provision.* Any seller having modified his ceiling price pursuant to subparagraph (a) above, shall file by registered mail, return receipt requested, with the Petroleum Branch, Office of Price Stabilization, Washington 25, D. C., the following information:

(1) Selling price for the particular product on June 1, 1950.

(2) Ceiling price for the particular product as established under other provisions of this regulation.

(3) Ceiling price as determined by this provision.

(4) The identification and net delivered cost of the purchased product, components and/or non-returnable container on March 15, 1951, or the date nearest but prior thereto on which a purchase was made; the net delivered cost of the purchased product, components and/or non-returnable container on June 1, 1950, or the date nearest but prior thereto on which a purchase was made; and the costs at the time a recalculation is made to reflect decreased costs. Upon filing, the price shall be the seller's ceiling price for the particular product unless it is disapproved in writing or a different price is established by the Office of Price Stabilization. A price established under this section may be changed at any time by order of the Office of Price Stabilization.

SEC. 19. *Containers* — (a) *Deposits.* Any seller subject to the provisions of this regulation may place a deposit charge not to exceed $10.00 on a 55-gallon, 16–20 gauge steel drum, not including I. C. C. 5 or 5B drums. Such deposit charge shall be subject to the seller's customary practice with respect to condition of drum and time allowed for return.

(b) *Reduction in ceiling price when shifting from a non-returnable to a returnable drum basis.* Any seller who during the base period sold on a non-returnable drum basis and subsequent to the base period shifts to a returnable drum basis shall allow his purchasers $1.75 for a 55-gallon, 16–20 gauge steel drum except in the States of California, Washington and Oregon. In the States of California, Washington and Oregon, there shall be allowed an additional $0.25 to the allowance set forth above.

Effective date. This Ceiling Price Regulation 66 shall become effective August 6, 1951.

NOTE: The record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 30, 1951.

[F. R. Doc. 51-8965; Filed, July 31, 1951; 5:03 p. m.]

[Distribution Regulation 1, Amendment 7]

DR 1—FAIR DISTRIBUTION OF LIVESTOCK AND MEAT

MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Congress), the Defense Production Act Amendments of 1951, Executive Order 10161 (15 F. R. 6105), Delegation of Authority by the Secretary of Agriculture with respect to the allocation of meat (16 F. R. 1272) and Economic Stabilization Agency General Order 5 (16 F. R. 1273), this Amendment 7 to Distribution Regulation 1 is hereby issued.

Preamble. Section 101 (a) of the Defense Production Act amendments of 1951 prohibits the imposition of quotas on livestock slaughter. The legislative history makes clear, however, that the Office of Price Stabilization may continue its present program of requiring registration as a condition of engaging in slaughtering operations. There will be issued in the near future a revised regulation eliminating the quota provisions but preserving the registration and other provisions of Distribution Regulation 1. Pending completion of work on the revised regulation, this Amendment 7 to Distribution Regulation 1 cancels the provisions relating to quotas on livestock slaughter. However, all other provisions including those relating to registration, marking and reporting continue to be effective. This amendment also makes a minor change in the record keeping requirements necessitated by the new legislation.

Amendatory provisions. Distribution Regulation 1 is amended in the following respects:

1. The following provisions are canceled:

a. Paragraphs (d) and (e) of section 2;

b. Paragraphs (c), (d) and (e) of section 3;

c. Paragraphs (c), (d) and (e) of section 4;

d. The third and succeeding sentences of section 8 (a);

e. The third and succeeding sentences of section 8 (b);

f. Section 16 and Appendix A;

g. Supplement 1.

2. Section 12 (a) is amended by adding at the end thereof the following paragraph:

(3) Each Class 1 or Class 2 slaughterer whose quota period does not end on July 31, 1951 must keep records of the live weight of each species of livestock slaughtered by him from the beginning of the quota period through July 31, 1951.

Effective date. This amendment shall become effective on August 1, 1951.

NOTE: The record keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Sec. 704 Pub. Law 774, 81st Cong., as amended)

MICHAEL V. DISALLE,
Director of Price Stabilization.

AUGUST 1, 1951.

[F. R. Doc. 51-8978; Filed, Aug. 1, 1951; 10:21 a. m.]

[General Ceiling Price Regulation, Amdt. 1 to Supplementary Regulation 43]

GCPR, SR 43—BOTTLED SOFT DRINKS

MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105) and Economic Stabilization Agency Order No. (16 F. R. 738), this Amendment to Supplementary Regulation 43 to the General Ceiling Price Regulation (16 F. R. 808) is hereby issued.

STATEMENT OF CONSIDERATIONS

The accompanying amendment is being issued to expand and clarify certain provisions of Supplementary Regulation 43 to the General Ceiling Price Regulation. That regulation relates to the pricing of bottled soft drinks. Under it bottlers who sell to retailers and have a GCPR ceiling price of less than 96 cents a case are allowed to increase their ceiling prices by 16 cents. The new price may not, however, exceed 96 cents. It has come to the attention of the OPS that a small number of bottlers do not sell directly to retailers. On the contrary they sell their products to distributors who, in turn, supply them to retailers. Customarily, the price at the level of sale to retailers is the same irrespective of whether the bottler or a distributor serves as the supplier.

In view of the fact that the regulation authorizes those who sell to retailers to raise their prices in certain circumstances, the distributors would be able to increase their prices while the bottlers would not be allowed to make a corresponding increase. Such a result was of course not intended. Accordingly, the regulation is now being amended to permit bottlers to increase their prices to distributors to the same extent as bottlers and distributors may increase their prices to retailers. This amendment will not authorize any increase in the price the retailer or the consumer may be charged under Supplementary Regulation 43.

It has also been called to the attention of the Office of Price Stabilization that considerable difficulty has been encountered in the application of SR 43 to problems created by the decrease or repeal of taxes on soft drinks. Section 9 of the regulation provides that where a ceiling price includes a tax (as distinguished from the case where a tax is added to a ceiling price) and the tax is wiped out, a deduction must be made from the ceiling price equal to the amount by which the tax has been reduced. A question has now arisen as to the effect of this provision in a case where a State tax was eliminated between the GCPR base period and the effective date of SR 43 (July 28, 1951). It was obviously not intended that in such a case the seller should be able to continue to make a charge for a tax he is no longer required by State law to pay. The pertinent language of SR 43 is accordingly now being clarified.

REGULATORY PROVISIONS

1. Section 4 of Supplementary Regulation 43 to the General Ceiling Price Regulation is hereby amended to read as follows:

SEC. 4. *Pricing for sales at wholesale.* If you sell a soft drink at wholesale and have, pursuant to the General Ceiling Price Regulation, a ceiling price for sales at wholesale below 96 cents for a

case of 24 bottles, you may increase that price by adding to it 16 cents so long as your new ceiling price is not higher than 96 cents a case.

For example. If your ceiling price is 75 cents a case, you may increase your ceiling price to 91 cents. But, if your ceiling price is 84 cents, you may increase it only to 96 cents.

2. Section 9 of Supplementary Regulation 43 to the General Ceiling Price Regulation is hereby amended to read as follows:

SEC. 9. *How to take account of taxes.* If your ceiling price otherwise established under the General Ceiling Price Regulation includes any State or local excise, sales or other tax which attaches to soft drinks or to their individual sale, you may for purposes of determining whether you are entitled to one of the ceiling prices authorized under section 4 or 5 of this supplementary regulation, ignore the amount of the tax. You may, however, then re-add the amount of the tax to your new ceiling price if you are entitled to one. If such a tax has been decreased between January 26, 1951 and the effective date of this regulation, you must now reduce your ceiling price by the amount of the decrease. You must also hereafter reduce your ceiling price by the amount of any decrease effectuated in such a tax after the effective date of this regulation. The provisions of this section are in addition to those contained in section 20 of the General Ceiling Price Regulation.

(Sec. 704, Pub. Law 774, 81st Cong., as amended)

Effective date. This amendment shall become effective August 6, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 30, 1951.

[F. R. Doc. 51-8966; Filed, July 31, 1951; 5:03 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 49]

GCPR, SR 49—BASIC TIRE CARCASSES, RECAPPED AND RETREADED TIRES

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.) as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation 49 to the General Ceiling Price Regulation is issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation establishes the ceiling prices for sales of certain basic tire carcasses and recapped and retreaded tires. Heretofore such sales were governed by the provisions of the GCPR which in effect froze the seller's prices as of the base period, December 19, 1950, to January 25, 1951, inclusive. Since the issuance of the GCPR however, there has developed an increasing shortage of basic tire carcasses which are the worn tires to which camelback is applied in order to make a recapped or retreaded tire. As a result of this basic tire shortage, price pressures have developed and certain sales disparities have arisen.

Preliminary studies have been made by the Office of Price Stabilization to determine the actual industry-wide dollar and cent price level for basic tire carcasses as of the GCPR base period. Although these studies have not yet been completed, the indications are clear that for certain types of tires a dollar and cent price may now be spelled out replacing the individual freeze for each seller heretofore in effect. Accordingly this regulation establishes a ceiling price for passenger car basic tire carcasses at $3.50 at retail and $2.60 at wholesale. Further studies are being conducted by this office to confirm the actual price level established herein as well as to determine the proper dollar and cent level for other types of basic tire carcasses.

Using the basic tire carcass price as established by this regulation, sellers of recapped and retreaded tires calculate their ceiling prices for such sales by adding to the dollar and cent ceiling for the basic tire carcass their individual ceiling price for the service of recapping or retreading such carcass as determined under CPR 34—Services. Accordingly, this regulation makes no change in the general level of ceiling prices either for basic tire carcasses or recapped and retreaded tires since in either event the price calculated is one that would have been used by the industry generally under GCPR and CPR 34.

Insofar as practicable the Director has consulted with representatives of the industry and has considered their recommendations.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Ceiling prices for basic tire carcasses.
3. Ceiling prices for recapped and retreaded tires.
4. Miscellaneous.

AUTHORITY: Sections 1 to 4 issued under sec. 704, Pub. Law 774, 81st Cong. as amended. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this supplementary regulation does.* This supplementary regulation establishes a dollar and cent ceiling price for sales of certain basic tire carcasses and a modified method of calculating the ceiling prices for sales of certain recapped and retreaded tires.

SEC. 2. *Ceiling prices for basic tire carcasses*—(a) *Passenger car basic tire carcasses.* The ceiling price for sales of any passenger car basic tire carcass is $3.50 each at retail and $2.60 each at wholesale. Minimum deductions of $1.75 for each sectional repair needed and $0.75 for each spot repair needed shall be made from the ceiling price of the basic tire carcass.

(b) [Reserved.]

SEC. 3. *Ceiling prices for recapped and and retreaded tires*—(a) *Passenger tires.* The ceiling price for any seller's sale of a recapped or retreaded passenger car tire shall be the sum of his ceiling price for the sale of such basic tire carcass as determined pursuant to section 2 of this supplementary regulation plus his ceiling price for the service of recapping or retreading the tire, as the case may be, determined pursuant to the provisions of CPR 34.

(b) [Reserved.]

SEC. 4. *Miscellaneous.* Except as herein specifically modified all of the provisions of the GCPR remain in effect.

Effective date. This supplementary regulation shall become effective August 6, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 30, 1951.

[F. R. Doc. 51-8963; Filed, July 31, 1951; 5:04 p. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-1, Direction 2]

M-1—IRON AND STEEL

DIR. 2—LEAD TIME; REQUIRED FILLING OF ORDERS; REQUIRED CONVERTER AND DISTRIBUTION ALLOTMENTS OF STAINLESS AND ALLOY; CARRYOVER

This direction to NPA Order M-1 is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950 as amended. In the formulation of this direction consultation with industry representatives has been rendered impracticable due to the need for immediate action.

Sec.
1. What this direction does.
2. Definitions.
3. Lead time for carbon steel products for September 1951.
4. Determination of product limitation for acceptance of rated orders.
5. Required acceptance of orders.
6. Required shipments of alloy or stainless steel.
7. Carryovers.
8. Relation to other NPA orders and regulations.

AUTHORITY: Sections 1 to 8 issued under sec. 704, Pub. Law 774, 81st Cong.; Pub. Law 96, 82d Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; Pub. Law 96, 82d Cong.; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this direction does.* This direction incorporates changes made by telegram sent to iron and steel producers during the period from July 5, 1951, through July 25, 1951, except with respect to Table I of NPA Order M-1, which is being covered by an amendment to NPA Order M-1. This direction changes the lead time for carbon steel products for September 1951. It changes the method of calculation of the required acceptance of rated orders. It limits the amount of rated orders and warehouse and converter orders that may be accepted. It requires the filling of a minimum amount of distributor and converter orders irrespective of the amount of rated orders received. It requires the mills to fill a minimum amount of orders

for alloy and stainless steel products. It makes provision with respect to carryover.

SEC. 2. *Definitions.* As used in this direction:

(a) "Rated order" includes both DO rated orders and authorized controlled material orders (as defined in section 2 (q) of CMP Regulation No. 1).

(b) "Preferred orders" include all orders received by an iron or steel producer pursuant to or as a result of directives, rated orders, orders from converters pursuant to section 8 of NPA Order M–1 up to the amount required to be allotted under a production directive if received, or if no production directive has been received the minimum amount required to be allotted under section 8 of NPA Order M–1, and orders from steel distributors pursuant to section 4 of NPA Order M–6 up to the minimum amount required to be allotted in section 4 of NPA Order M–6. For September 1951 shipments only, the minimum amount required to be allotted under section 8 of NPA Order M–1 shall be deemed to include orders accepted from converters prior to July 16, 1951.

SEC. 3. *Lead time for carbon steel products for September 1951.* The closing date for the acceptance of rated orders for September deliveries of all carbon steel products with a 45-day lead time listed in column 1, part C, Table I, NPA Order M–1, as amended, was midnight of Friday, July 20, 1951. This lead time is to apply to the month of September 1951 only.

SEC. 4. *Determination of product limitation for acceptance of rated orders.* To the extent that this section is in conflict with sections 5 and 6 of NPA Order M–1 and Direction 1 thereof, the provisions of this section shall prevail. An iron or steel producer shall apply the required acceptance percentages listed in columns 1, 2, and 3, part C of Table I of NPA Order M–1 against his planned monthly production of the appropriate iron or steel product, instead of against his average monthly shipments of such product, in determining the total tonnage of such product required to be shipped by him on preferred orders for September 1951 shipments and shipments in subsequent calendar months: *Provided, however,* That an iron or steel producer's planned monthly production of any such product for the purposes of this calculation shall be deemed to be not less than his actual average monthly production of any such product for the 2 months, April and May 1951. The proviso of the preceding sentence does not apply to converters as defined in section 8 of NPA Order M–1 insofar as they are engaged in further conversion as defined in section 8 of that order. In determining his planned monthly production, insofar as he is engaged in further conversion as defined in section 8 of NPA Order M–1, a converter shall base his estimate of such planned monthly production upon the minimum tonnage of the particular steel mill product which he is entitled to receive pursuant to section 8 of that order. This section is subject to the further proviso that when and as a producer receives a production directive he shall deem for the purposes of this section that his "planned production" is the production authorized by the production directive.

SEC. 5. *Required acceptance of orders.* To the extent that this section is in conflict with the provisions of sections 5 and 6 of NPA Order M–1 and Direction No. 1 thereof, the provisions of this direction shall prevail. An iron or steel producer must accept preferred orders for a tonnage of any iron or steel product up to the tonnage of such product determined as set out in section 4 of this direction. He shall in no event accept preferred orders for a larger tonnage of any such product than the tonnage thereby determined as set out in section 4 of this direction. In any case where an iron or steel producer receives preferred orders calling for shipment of a total tonnage of any product in excess of the tonnage of such product determined as set out in section 4 of this direction, such producer shall fill orders for such tonnage in the following sequence: orders pursuant to or by reason of directives, minimum allotments for converters, minimum allotments for steel distributors, authorized controlled material orders, DO rated orders.

SEC. 6. *Required shipments of alloy or stainless steel.* (a) Notwithstanding the provisions of section 8 of NPA Order M–1, each producer supplier shall ship to each converter customer in October 1951 and subsequent calendar months, to the extent that processing times permit, not less than

(1) 85 percent of the average monthly tonnage of stainless tubing (of which percentage a minimum of 80 percent shall be in the nickel grades, irrespective of the percentage of nickel grades of such tubing shipped during the base period); and

(2) 85 percent of the average monthly tonnage of each other stainless product (of which percentage a minimum of 15 percent shall be in the nickel grades, irrespective of the percentage of nickel grades of such products shipped during the base period); and

(3) 100 percent of the average monthly tonnage of alloy cold-drawn bars (of which percentage a minimum of 25 percent shall be in the nickel grades, irrespective of the percentage of nickel grades of cold-drawn bars shipped during the base period); and

(4) 100 percent of the average monthly tonnage of each other alloy product (of which percentage a minimum of 20 percent shall be in the nickel grades, irrespective of the percentage of nickel grades of such products shipped during the base period),

shipped by such producer supplier to such converter customer during the base period from January 1, 1950, through September 30, 1950.

(b) Notwithstanding the provisions of section 4 of NPA Order M–6, each iron and steel producer shall ship to each steel distributor customer in October 1951 and subsequent calendar months, to the extent processing times permit, not less than

(1) 85 percent of the average monthly tonnage of stainless tubing (of which percentage a minimum of 80 percent shall be in the nickel grades, irrespective of the percentage of nickel grades of such tubing shipped during the base period); and

(2) 85 percent of the average monthly tonnage of each other stainless product (of which percentage a minimum of 15 percent shall be in the nickel grades, irrespective of the percentage of nickel grades of such products shipped during the base period); and

(3) 100 percent of the average monthly tonnages of commercial quality alloy steels in any grades with a melting range of 0.70 maximum nickel, or 0.15 maximum molybdenum used individually or in combination, with or without chromium, or any non-nickel-bearing or non-molybdenum-bearing grades, with or without chromium, irrespective of the percentage of any of such grades of such commercial quality alloy steels shipped during the base period.

shipped by such iron or steel producer to such steel distributor customer during the base period from January 1, 1950, through September 30, 1950.

SEC. 7. *Carryovers.* Orders bearing CMP allotment numbers A through E shall not be displaced by this section. Orders bearing other CMP allotment numbers are subject to its provisions. Any DO orders accepted for July or August shipments which for any reason have not been shipped by August 31, 1951, shall have equal preferential status as authorized controlled material orders. Notwithstanding any carry-over of such orders for September 1951 shipments, in no event shall September 1951 shipments on preferred orders exceed required acceptance percentages under Table I of NPA Order M–1.

SEC. 8. *Relation to other NPA orders and regulations.* All of the provisions of other NPA orders and regulations apply to all persons affected by this direction except to the extent that such provisions are inconsistent with this direction, in which event, the provisions of this direction shall prevail.

This direction shall take effect on August 2, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51–9127; Filed, Aug. 2, 1951; 5:11 p. m.]

[NPA Order M–6, Direction 2]

M–6—STEEL DISTRIBUTORS

DIR. 2.—REQUIRED SHIPMENTS OF ALLOY OR STAINLESS STEEL

This direction to NPA Order M–6 is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950 as amended. In the formulation of this direction consultation with industry representatives has been rendered impracticable due to the need for immediate action.

SECTION 1. Notwithstanding the provisions of section 4 of NPA Order M–6, each iron or steel producer shall ship to each steel distributor customer in October 1951 and subsequent calendar months, to the extent processing times permit, not less than

(a) 85 percent of the average monthly tonnage of stainless tubing (of which percentage a minimum of 80 percent shall be in the nickel grades, irrespective of the percentage of nickel grades of such tubing shipped during the base period); and

(b) 85 percent of the average monthly tonnage of each other stainless product (of which percentage a minimum of 15 percent shall be in the nickel grades, irrespective of the percentage of nickel grades of such products shipped during the base period); and

(c) 100 percent of the average monthly tonnages of commercial quality alloy steels in any grades with a melting range of 0.70 maximum nickel, or 0.15 maximum molybdenum used individually or in combination, with or without chromium, or any non-nickel-bearing or non-molybdenum-bearing grades, with or without chromium, irrespective of the percentage of any of such grades of such commercial quality alloy steels shipped during the base period,

shipped by such iron or steel producer to such steel distributor customer during the base period from January 1, 1950, through September 30, 1950.

(Sec. 704 Pub. Law 774, 81st Cong., Pub. Law 96, 82d Cong.)

This direction shall take effect on August 2, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51–9126; Filed, Aug. 2, 1951; 5:11 p. m.]

[Amendment No. 1 to NPA Order M–1]

M–1—IRON AND STEEL

This amendment to NPA Order M–1, as amended, July 6, 1951, is found necessary and appropriate to promote the national defense, and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950 as amended. In the issuance of this amendment, consultation with industry representatives has been rendered impracticable because of the necessity for immediate action.

NPA Order M–1, as amended, as aforesaid, is hereby further amended to the extent that certain "lead times" in part B of Table I, and certain percentages of required production acceptance in part C of Table I have been changed. Table I, as so amended, reads as follows:

(Sec. 704, Pub. Law 774, 81st Cong.; Pub. Law 96, 82d Cong.).

This amendment shall take effect on August 2, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

TABLE I.—*Iron and steel products to which this order applies*

Part A	Part B				Part C		
	Lead times (days)				Production limitation, required acceptance (percentage)		
Name of product	Carbon (*)	Low alloy	Stainless	Full alloy	Carbon (including low alloy high strength)	Stainless	Full alloy
	(1)	(2)	(3)	(4)	(1)	(2)	(3)
Steel (including wrought iron) mill products:							
Ingots	45	75	75	75	95	100	75
Billets, projectile and shell quality	45	75	-------	75	[11]	XXXX	[11]
Blooms, slabs, billets (except projectile and shell quality)	45	75	75	75	[11] 95	[4] 90	[8] [11] 85
Sheet bars	45	75	75	75	95	100	50
Tube rounds or rounds for piercing	45	75	75	75	100	100	95
Skelp	45	-------	-------	-------	95	XXXX	XXXX
Wire rods	45	75	90	75	95	-------	75
Structural shapes (heavy) standard	45	75	90	90	90	100	-------
Structural shapes wide flange	45	75	-------	90	90	XXXX	-------
Piling—sheet	45	-------	-------	-------	90	XXXX	XXXX
Piling—H bearing	45	-------	-------	-------	90	XXXX	XXXX
Plates—rolled armor	-------	-------	-------	[1]	XXXX	XXXX	[1]
Plates—sheared and U. M	45	75	90	75	[7]	100	75
Plates—strip mill	45	75	90	75	[7]	100	75
Rails—standard (over 60 pounds)	45	-------	-------	90	100	XXXX	-------
Rails—all other	45	-------	-------	90	90	XXXX	-------
Joint bars	45	-------	-------	90	100	XXXX	-------
Tie plates	45	-------	-------	-------	100	XXXX	XXXX
Track spikes	45	-------	-------	-------	100	XXXX	XXXX
Wheels (rolled and forged) (RR and transit only)	45	-------	-------	90	100	XXXX	5
Axles (RR and transit only)	45	-------	-------	90	100	XXXX	5
Bars—hot-rolled, projectile and shell quality	45	75	-------	75	[12]	XXXX	[12]
Bars—hot-rolled, other (including light shapes)	[2] 45	[2] 75	90	75	[12] 78	75	[12] 85
Bars—reinforcing	45	-------	-------	-------	95	XXXX	XXXX
Bars—cold-finished	[2] 75	[2] 105	105	[2] 105	75	75	75
Bars, tool steel (including die blocks)	[3] 60	-------	-------	[3] 90	-------	XXXX	-------
Standard pipe	45	-------	120	-------	95	100	-------
Oil country goods, seamless	45	-------	-------	-------	100	XXXX	100
Oil country goods, welded (including spiral weld)	45	-------	-------	-------	100	XXXX	-------
Line pipe, seamless	45	-------	-------	-------	100	XXXX	XXXX
Line pipe, welded (including spiral weld)	45	-------	-------	-------	100	XXXX	XXXX
Mechanical tubing, seamless	60	-------	120	120	90	98	95
Mechanical tubing, welded	75	-------	120	-------	45	98	XXXX
Pressure tubing, seamless	60	-------	120	120	95	98	95
Pressure tubing, welded	75	-------	120	-------	95	98	XXXX
Wire, drawn low carbon (less than 0.45 percent carbon)	45	75	90	-------	90	90	25
Wire, drawn high carbon (0.45 percent and over of carbon)	45	75	90	-------	85	90	25
Wire nails and staples (including steel cut nails)	45	-------	-------	-------	95	XXXX	XXXX
Barbed and twisted wire	45	-------	-------	-------	95	XXXX	XXXX
Wire fence, woven and welded	45	-------	-------	-------	95	XXXX	XXXX
Bale ties and/or coiled automatic baler wire	45	-------	-------	-------	95	XXXX	XXXX
Tin mill black plate	45	-------	-------	-------	[13]	XXXX	XXXX
Tin plate, hot-dipped	45	-------	-------	-------	[13]	XXXX	XXXX
Terneplate	45	-------	-------	-------	[13]	XXXX	XXXX
Tin plate, electrolytic	45	-------	-------	-------	[13]	XXXX	XXXX
Sheets, hot-rolled	45	75	90	75	70	75	75
Sheets, cold-rolled	45	75	105	90	54	75	75
Sheets, galvanized	45	75	-------	-------	80	XXXX	-------
Sheets, all other coated	45	75	-------	-------	43	XXXX	XXXX
Sheets, enameling	45	-------	-------	-------	10	XXXX	XXXX
Electrical sheets and strip	[6]	-------	-------	-------	[6]	-------	-------
Strip, hot-rolled	45	75	90	75	70	100	60
Strip, cold-rolled	45	75	105	90	60	50	-------
Steel castings—rough as cast	[9] 60	[9] 90	[9] [10] 90	[8] [9] 90	80	[10] 75	[8] 80
Steel products, fabricated:							
Forgings (rough as forged)	90	120	120	120	75	75	50
Fence posts	45	-------	-------	-------	90	-------	-------
Wire rope and strand	45	-------	105	-------	85	75	-------
Welded wire mesh	45	-------	105	-------	95	75	XXXX
Netting	45	-------	105	-------	95	75	XXXX
Iron products:							
Pig iron (not including iron with more than 6 percent silicon)	45	-------	-------	-------	20	XXXX	XXXX
Malleable castings (rough as cast)	60	-------	-------	-------	65	XXXX	XXXX
Gray iron castings, rough as cast, excluding pipes and fittings	60	90	-------	[8] 90	60	XXXX	[8] 65

*Closing date for September items is midnight July 20, 1951.

[1] Subject to direct negotiation by NPA.
[2] If annealed or heat-treated, add an additional 15 days.
[3] If cold-finished, add an additional 15 days.
[4] Of each item.
[5] Such percentage being the total for any combination of these products.
[6] For electrical sheets and strip, use this table:

Lead time	Percentage limitation	Definition
Low grade, 45	95	AISI M50, M43, M36.
Medium grade, 45	95	AISI M27, M22, M19.
High grade, 60	95	AISI M17, M15, M14 and (7) oriented.

[7] By directive.
[8] Alloy for steel and iron castings means all grades not included as s tainless or carbon (including low-alloy) steel and iron castings.
[9] Lead time applies to unmachined castings after approval of patterns for production.
[10] All castings containing 8 percent or more of alloying metals are to be considered "stainless."
[11] Set aside for projectile and shell quality included in set aside for blooms, slabs, billets.
[12] Set aside for projectile and shell quality included in set asides for bars—hot-rolled.
[13] 95—which percentage is for any combination of tin-mill products.

[F. R. Doc. 51–9129; Filed, Aug. 2, 1951; 5:12 p. m.]

[NPA Order M-47A as Amended Aug. 2, 1951]

M-47A—Use of Iron and Steel, Copper, and Aluminum in Certain Consumer Durable Goods and Related Products

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of the original NPA Order M-47A of July 1, 1951, there was consultation with industry representatives, including trade association representatives, and consideration was given to their recommendations. However, consultation with representatives of all trades and industries affected was rendered impracticable due to the necessity for immediate action and because the order affects a large number of different trades and industries. In the formulation of the order as amended, consultation with industry representatives has been impracticable for the same reasons.

Sec.

1. Purpose.
2. Definitions.
3. Application of this order.
4. Use of metal products in consumer durable goods and related items.
5. Exemptions.
6. Seasonality.
7. Relationship to other orders and regulations.
8. Applications for adjustment or exception.
9. Records and reports.
10. Communications.
11. Violations.

Authority: Sections 1 to 11 issued under sec. 704, Pub. Law 774, 81st Cong.; Pub. Law 96, 82d Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; Pub. Law 96, 82d Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

Section 1. *Purpose.* The purpose of this order is to limit, during the third quarter of 1951, the use of iron and steel, copper, and aluminum, in the manufacture and assembly of specified items of consumer durable goods and related products, and of products for which no CMP allotment is received for the third quarter. Because large amounts of these metals must be used for defense and defense-supporting activities, only limited amounts remain available for production of the items covered by this order. This order is, therefore, necessary to promote an equitable distribution of these metals, and of parts made therefrom, among manufacturers and assemblers of such items.

Sec. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States or any other government.

(b) "Base period" means:

(1) As to items included in List A of this order, except as otherwise provided in section 6 of this order, the 6-month period ending June 30, 1950.

(2) As to items included in List B of this order, the 3-month period ending March 31, 1951.

(c) "Manufacture" means to put into process, machine, fabricate, or otherwise alter materials by physical or chemical means.

(d) "Metal product" means any of the following:

(1) The iron and steel products listed in Table I of NPA Order M-1, as amended, hereinafter referred to as "iron and steel products."

(2) The forms and products of copper and copper-base alloys listed in section 2 of NPA Order M-11 as amended, hereinafter referred to as "copper products." The term "copper products" includes copper powder.

(3) The aluminum forms and products listed in section 2 of NPA Order M-5, as amended, hereinafter referred to as "aluminum products."

(e) "Third quarter" means the calendar quarter commencing July 1, 1951.

(f) "Item" means the various products included in the listing following each Arabic numeral in List A or List B of this order, except as otherwise provided in the initial paragraph of section 4 of this order.

(g) "Part" means any part or component made wholly or partly from a metal product, and includes partially fabricated material which lost its identity as a metal product prior to its acquisition by the manufacturer or assembler of an item.

(h) "Gross weight" means the weight of a metal product used in the manufacture of an item, including the weight of any scrap resulting from such manufacturing operation. It does not refer to the metal product of the item, or any part thereof, after completion of the manufacturing process.

(i) "Net weight" means the weight of the metal product content of a part at the time such part is put into use in the assembly of an item.

Sec. 3. *Application of this order.* This order applies to any person who uses any metal product or part made wholly or partly therefrom in the manufacture or assembly of any item in List A or List B of this order. This order also applies to any person who manufactures parts specifically designed for any item in List A or List B, to the extent that such part may contain copper or aluminum used for ornamental or decorative purposes. This order does not apply to the production of metal products.

Sec. 4. *Use of metal products in consumer durable goods and related items.* The provisions of this section shall apply separately to iron and steel products, to copper products, and to aluminum products, and shall also apply separately to List A and List B of this order. In computing use or rate of assembly during the base period of copper products, aluminum products, or parts containing either such material, as to List B, no use or rate of assembly may be considered to the extent that it may have exceeded the use or rate of assembly permitted by any applicable NPA order, plus the additional use permitted by any adjustment of base-period use under such order. However, any use pursuant to an adjustment which did not by its terms authorize an adjustment of base-period use may not be considered for such purpose. In applying applicable percentage rates specified in paragraph (c) of this section to List A items, such rates shall be applied to average quarterly use or rate of assembly during the base period. Subject to the exemptions stated in section 5 of this order, or unless specifically authorized in writing by the National Production Authority, the following provisions shall apply to the use of metal products or parts in the manufacture or assembly of items subject to this order:

(a) No person shall use during the third quarter, in the manufacture of items included in List A or List B of this order, a total gross weight of any metal product in excess of his use of such material in such manufactured items in such list during the applicable base period, multiplied by the applicable percentage rate specified by paragraph (c) of this section. However, if such person used a metal product in the manufacture of one or more units of a part for an item during the applicable base period, and uses one or more purchased units of that part containing such material in such item during the third quarter, he shall include the gross weight of such metal product used in the manufacture of each such part, whether by himself or another, in computing his use of such metal product during the applicable base period and during the third quarter. Any person whose permitted use of any metal product in manufacture for the third quarter exceeds his actual use thereof for such purpose, computed in accordance with the preceding provisions of this paragraph, may, to the extent of such difference, treat as his own use the gross weight of such metal product used by others in the manufacture of any purchased part or parts which he uses in the assembly of any item. To such extent, with respect to such metal product, such purchased part or parts may be used without regard to the limitations of paragraph (b) of this section. Paragraph (b) of this section shall also apply to any person subject to this paragraph, to the extent that he assembles in any item purchased parts not subject to the provisions of this paragraph.

(b) Except as to parts subject to the provisions of paragraph (a) of this section, any person who uses purchased parts in the assembly of items in List A or List B of this order during the third quarter shall comply with one of the following limitations as to purchased parts containing a metal product, which limitations shall apply separately as to each metal product:

(1) He shall not use a number of units of any part containing a metal product in excess of the number of units of such part which he used during the applicable base period, multiplied by the applicable percentage rate specified by paragraph (c) of this section.

(2) He shall not assemble a number of units of any item in List A or List B of this order which contains purchased parts made wholly or partly from a metal product in excess of the number of units of such item containing such material which he assembled during the applicable base period, multiplied by the ap-

plicable percentage rate specified by paragraph (c) of this section.

(3) He shall not use purchased parts having a total net weight of a metal product in excess of the total net weight of such metal product in all purchased parts which he used during the applicable base period, multiplied by the applicable percentage rate specified by paragraph (c) of this section. Any person whose permitted use by net weight of any metal product in the assembly of purchased parts for the third quarter exceeds the actual net weight of such metal product in purchased parts used for such purpose, computed in accordance with the foregoing provisions of this subparagraph, may, to the extent of such difference, treat as the use of purchased parts in assembly the use of the net weight of such metal product in parts of his own manufacture. To such extent, the gross weight of such metal product used in the manufacture of such parts may be used without regard to the limitations of paragraph (a) of this section.

(c) In computing permitted use or rate of assembly of each metal product or of parts made wholly or partly therefrom, the following percentage rates shall be applied:

LIST A ITEMS

Type of products or parts:	*Percentage of average quarterly use or rate of assembly in base period*
Iron and steel products and parts	70
Copper products and parts	60
Aluminum products and parts	50

LIST B ITEMS

Type of products or parts:	*Percentage of use or rate of assembly in base period*
Iron and steel products and parts	85
Copper products and parts	80
Aluminum products and parts	75

However, in the manufacture or assembly of any item, or in the manufacture or assembly of any part specifically designed for use in the assembly of any item, no person shall:

(1) Use copper products or aluminum products, or any part containing either such material, for any ornamental or decorative purpose, except in an end-product which is primarily ornamental or decorative and is not ordinarily permanently attached to or used as part of another end-product. (Examples: Jewelry; tree ornaments.); or

(2) Subject to the same exception as is stated in the preceding subparagraph, use a greater quantity of copper products or aluminum products, or any part containing a greater quantity of either such material, than is necessary for functional or operational purposes; or

(3) Use a better grade of copper products or aluminum products, or any part containing a better grade of either such material, than is necessary for functional or operational purposes; or

(4) Use any stainless steel or high nickel alloy in violation of any provision of NPA Order M–14, as amended or any other applicable NPA order.

(d) During any month of the third quarter, no use in manufacture or rate of assembly subject to the limitations of this section shall exceed 40 percent of the permitted quarterly use or rate of assembly.

(e) The manufacture or assembly of any item in List A or List B of this order to fill rated orders, or to meet any mandatory order of the National Production Authority, shall be subject to the limitations of this order: *Provided, however,* That in cases where such limitations will delay or prevent the filling of such orders, application may be made for adjustment or exception pursuant to section 8 of this order.

SEC. 5. *Exemptions.* (a) Any person shall be exempt from the provisions of this order with respect to any metal product if his total output of manufactured and assembled items in List A and List B of this order during the third quarter has a content by weight of that metal product not in excess of the following quantities, subject to the provisions of paragraph (c) of section 4 of this order relating to the use of copper and aluminum products for ornamental or decorative purposes.

Type of material:	*Amount*
Carbon steel	5 short tons.
Alloy steel (except stainless steel)	1,000 pounds.
Copper products	500 pounds.
Aluminum	500 pounds.

The terms "carbon steel" and "alloy steel" are used as defined in Schedule I of CMP Regulation No. 1. In computing metal product content under this paragraph, there shall be considered both the use of such metal product and the estimated quantity of such metal product contained in parts purchased from others which are used in an item.

(b) Any person whose total output of manufactured and assembled items in List A and List B during the third quarter has a content by weight of any metal product (including the estimated amount of such metal product in parts purchased from others) of less than the following applicable maximum quantity may adjust his permitted use or rate of assembly as to such material as computed under section 4 of this order by increasing such permitted use by 25 percent, to the extent that such use or rate of assembly does not then exceed the applicable maximum quantity:

Type of product:	*Maximum quantity short tons*
Iron and steel products	100
Copper products	5
Aluminum products	5

SEC. 6. *Seasonality.* (a) Any person may, at his option, determine his permitted use or rate of assembly under this order for items in List A by using as a base period the 6-month period ending December 31, 1949: *Provided, however,* That such person shall then use that base period for all such manufactured and assembled items.

(b) If, because of seasonal factors, the use of the base period specified for items in List B of this order imposes undue or exceptional hardship upon any person who manufactures or assembles any item in such list, such person may apply for adjustment or exception pursuant to section 8 of this order.

SEC. 7. *Relationship to other orders and regulations.* (a) Nothing contained in this order shall impair or affect any CMP regulation. Any person who receives an allotment for a CMP Class B product subject to this order shall not thereafter be subject to this order as to such product: *Provided, however,* That such product shall not thereafter be included within any item in List A or List B of this order for the purpose of computing permitted use or rate of assembly for such item. If any part or subassembly is included in the Official CMP Class B Products List, and if the manufacturer thereof has received a CMP allotment for its manufacture during the third quarter, such part of subassembly may be disregarded in computations under section 4 of this order to the following extent:

(1) A person who uses such part or subassembly of his own manufacture in any item may disregard the metal product used in the manufacture of each such part or subassembly during the third quarter, in which case he shall also disregard the metal product used, whether by himself or another, in the manufacture of the corresponding part or subassembly which he used during the base period.

(2) A person who uses such a purchased part or subassembly in the assembly of any item may disregard the metal product content of such part or subassembly during the third quarter, in which case he shall also disregard the metal product content of the corresponding part or subassembly used during the base period, regardless of the identity of its manufacturer.

(b) The provisions of CMP Regulation No. 2 apply to any person subject to this order.

SEC. 8. *Applications for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, that any provision otherwise works an undue and exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment claiming that the public interest is prejudiced by the application of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 9. *Records and reports.* (a) Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting

method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

(c) Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 10. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M-47A.

SEC. 11. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of the National Production Authority or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act.

This order, as amended, shall take effect August 2, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

The items in List A and List B, made in whole or in part from metal products or containing parts made wholly or partly therefrom, are subject to the provisions of this order. (Joining hardware is not considered "parts" within the meaning of List A or List B.) The listing following each Arabic numeral shall be considered a separate item hereunder.

LIST A

I. Metal and Wood Household Furniture (Excluding Bedsprings, Mattresses, and Dual-Purpose Sleeping Equipment)

1. Household furniture predominantly of wood materials, including upholstered furniture (excluding products using less than 5 percent of iron and steel parts by weight, not including weight of joining hardware; and excluding wood beds with metal bedrails), and including but not limited to living room, dining room, kitchen, breakfast room, and bedroom furniture.

2. Household furniture predominantly of metal materials, including upholstered furniture, including but not limited to beach, recreation room, kitchen, sunroom, garden, porch, and lawn furniture.

II. Other Furniture and Fixtures (Excluding Medical, Dental, and Hospital Specialities, Bedsprings, Mattresses, and Dual-Purpose Sleeping Equipment)

1. Restaurant furniture and fixtures, including tray stands and serving tables.

2. Barber shop and beauty shop furniture especially designed for such use, including but not limited to manicure tables, dresserettes, hydraulic and reclining chairs, and couch units.

3. Soda fountain, counter, bar, beer and other malt beverage-dispensing equipment and fittings (including bar rails).

4. All other office, commercial, or industrial furniture, including but not limited to: all types of desks; stools; sofas; bookcases; tables; chairs; stands; booths; filing cabinets; transfer cases (including card and document cases); clothing racks; costumers; and theater, auditorium, stadium, and grandstand chairs and seats, ganged and single, indoor or outdoor types, including portable bleachers; flower pots, boxes, stands, and holders for same; and window boxes; but excluding seats and desks designed for school use.

III. Partitions, Shelving, Lockers, and Fixtures (Excluding Medical, Dental, and Hospital Specialties)

1. Lockers; partitions and shelving (excluding specially designed factory partitions and shelving); book stacks; luggage racks; household cabinets, such as kitchen, wardrobe, broom, and medicine cabinets; and telephone booths.

2. Show and display cases (including wall types); show and display tables, and counters.

3. Store and office decorative and ornamental fixtures.

IV. Appliances, Machines, and Equipment

1. Cooking stoves, ranges, combination cooking stoves, and combination ranges (domestic).

2. Small household-type electric appliances, including but not limited to: broilers, coffee percolators and urns; hot plates and disc stoves; roasters; toasters; waffle irons; sandwich grilles; cookers; casseroles; food mixers; juice extractors; drink mixers and whippers; hand hair dryers; vibrators; non-industrial electric air space heaters; electric steam radiators; heating pads; flat irons, including steam irons; immersion heaters and portable electric water heaters (excluding dry shavers).

3. Electric fans (except industrial types), including all desk-bracket, wall, pedestal, and floor or hassock fans under 16 inches; and attic, household, window ventilating, and kitchen exhaust fans of all sizes.

4. Floor waxing and polishing machines, furniture polishers, vacuum cleaners, and carpet sweepers (household).

5. Portable electric lamps, including office types, such as floor, bridge, desk, torch, and table; pin-up lamps; lamp shades; and incandescent vehicular lighting equipment.

6. Home laundry equipment, including but not limited to clothes dryers (gas and electric), mechanical ironers and mangles, electric and gasoline type washing machines, ironing boards, wash boards, drain boards, and washing boilers; dishwashing machines, automatic food and garbage disposal units, and water softeners (household).

7. Household refrigerators, mechanical and ice, and cabinets for household refrigerators sold separately; home and farm food freezers (under 13 cubic foot capacity) and cabinets for same sold separately; bottled beverage coolers (all types); and bulk beverage dispensers (all types).

8. Packaged air conditioning units (window and console types ¾ horsepower and under); dehumidifiers for home and office including self-contained types with complete refrigeration cycle.

9. Clothes poles and clothes hanging dryers.

10. Flexible cord sets; coated electric tubing; and Christmas tree lighting outfits.

V. Utensils and cutlery

1. Cooking and kitchen utensils (excluding hospital specialties).

2. Silverware (excluding religious), including but not limited to: flatware, hollow ware novelties, toilet ware, and trophies.

3. Plated ware (excluding religious), including but not limited to: flatware, hollow ware, novelties, toilet ware, and trophies.

4. Table and kitchen cutlery, such as all types of knives, forks, spoons, and carving sets; pocket knives; and cutlery handles.

5. Vacuum bottles and jugs over one quart, and silverware and plated ware types of all sizes; picnic boxes, kits, trunks, jugs, grills, and equipment.

VI. Radio, television, and phonographs

1. Radio receivers, home, portable, and broadcast band automobile receivers; radio-phonograph combinations (including combinations with recorders).

2. Television receivers; radio-television receivers; television-phonograph combination (including combinations with recorders); and radio-television-phonograph combinations (including combinations with recorders); color adapters and converters; and UHF adapters and converters.

3. Phonographs and record players, and phonograph needles and cutting styli.

VII. Transportation equipment

1. Motorcycles, motor scooters, motor bikes.

2. Bicycles.

3. Ships, boats and canoes, except military and commercial, including fittings of all kinds, fastenings, and hardware for same.

4. Aircraft, except military and commercial.

VIII. Miscellaneous Items

1. Automatic merchandising machines; coin-operated scales; home bathroom scales; nonmechanical and nonelectrical beverage coolers; household, nonelectric ice cream freezers; and coin operated musical devices or machines.

2. All games, toys, toy whistles, and children's vehicles (not including baby carriages, walkers, and strollers, not of play or toy type).

3. Jewelry (except religious goods); jewelry cases; novelties; ornaments; souvenirs; insignia, decorations, emblems, medals, and badges (except religious, protective services, and military); jewelers' findings and materials; buttons and button parts, civilian type (except machine-attached tack buttons, and rivets and burrs for the work-clothing industry); dress ornaments and fittings; millinery accessories and frames; statues and statuettes; artificial flowers; key chains and catches, and fasteners therefor.

4. Garden tools, lawn mowers, rollers, seeders, and tampers; hedgeclippers and snips; lawn and garden hose accessories, such as sprinklers, nozzles, couplings, clamps, menders, and reels.

5. Musical instruments, including equipment, stands, and cases; chimes and bells.

6. Pianos and organs, including parts and materials.

7. Paper weights; penholders and desk sets (excluding pens, mechanical pencils, and pen points contained therein); desk and document trays; letter openers; smokers' articles such as: ash trays, cigar tubes and cases, cigarette and match cases, holders, lighters, tobacco pipes, pipe cleaners, humidors, and smoking stands; match, cigarette, and typewriter ribbon boxes; book-ends, calendars, calendar stands, and desk pads; shoe stretchers and trees.

8. Venetian blinds, slats, fittings and accessories; and shades.

9. Fireplace fixtures and equipment, such as dampers, irons, and fire screens.

10. Sporting and athletic goods; weight reducing and exercising machines; rowing machines.

11. Morticians' goods and equipment such as caskets, coffins, urns, vaults, liners, and memorial tablets (excluding morticians' instruments, supplies, and wooden coffin hardware).

12. Signs, markers, and advertising displays (excluding safety and traffic control signs and markers); metal letters, numbers, and plates (except for industrial or public utility control, identification, or instruction).

13. Mirror and picture frames.

14. Garment hangers, hooks, brackets, racks, and rods; wire guards; wire florists' designs; bird and pet cages, houses, aquariums, accessories and equipment.

15. Grocery and retail market type baskets and carts.

16. Gambling and amusement devices or machines.

17. Luggage and trunks; handbags and purses; and small leather goods.

18. Beverage mixing and serving equipment such as coasters, bottle coolers, cocktail shakers, ice buckets and pails, and ice chippers and shavers.

19. Awnings and canopies.

20. Containers for bath salts, cosmetics (except collapsible tubes), gifts, and powder.

21. Bathroom accessories including soap dishes; tooth brush, tumbler and paper holders; and towel bars.

22. Binoculars and opera glasses (except precision types).

23. Umbrellas, parasols, walking sticks, canes, and batons; weather vanes; sundials; arbors and trellises.

24. Mops; mud scrapers; stairs and threshold treads and edging; cuspidors; and tags, collars, and harness for pets.

25. Clothes hampers; clothes-line hardware and clothespins; curtain and drapery hardware including fasteners, rods, and rings; carpet hardware; furniture grommets; robe hooks.

26. Hair brushes and combs; dresser sets; hair curlers, beauty cream jars; mesh bags; atomizers (except for medicinal purposes and for use in the preparation of dried milk and dried eggs).

27. Cups and soda fountain cup holders; flasks.

28. Any other end-product not included in any item in List A or List B of this order, as to a person who receives no CMP allotment for such product for the third quarter, and any other product on the Official CMP Class B Product List not included in any item in List A or List B of this order, whether or not such product is an end-product, as to a person who receives no CMP allotment for such product for the third quarter. (The term "end-product" shall not include any product normally incorporated as a part, component, or subassembly of any other product, whether or not such other product is included in any item in List A or List B of this order.) However, this item shall not include any product covered by NPA Order M-68.

IX. Accessories

1. Accessories for any single item in this list A shall constitute a separate item for the purposes of this order, and shall also be an item separate from the item to which it is an accessory.

2. Automobile accessories including but not limited to radio-antennae, heaters, defrosters, lighters, curb feelers, radiator ornaments, etc.

NOTE: With respect to items in this list A, an "accessory" shall mean any product not specifically listed in List A or List B which is used with or attachable to an item described in this list A or to a "passenger car" as defined in NPA Order M-68, and which is generally known in the trade as an "accessory".

LIST B

1. Pails, ash and gargage cans (except shipping containers), household buckets, washing tubs and tub covers; spray guns (except paint-spraying equipment and agricultural sprays).

2. Household furniture predominantly of wood materials (including upholstered furniture) using less than 5 percent of iron and steel parts by weight, not including weight of joining hardware; wood beds with metal bedrails.

3. Dual-purpose sleeping equipment.

4. Furniture and fixtures designed for medical, dental, and hospital use (medical, dental, and hospital specialties).

5. Partitions and shelving specially designed for factory use.

6. Furniture and cabinet hardware, including casters, caster cups, glides and floor protective devices; and casket and casket shell hardware.

7. Baby carriages, walkers, and strollers.

8. Hospital specialty cooking and kitchen utensils.

9. Sewing machines, household.

10. Farm food freezers, 13 cubic feet, and over.

11. Safety and traffic control signs and markers.

12. Incandescent hand portable lighting equipment (such as flashlights, lanterns, miners' and emergency warning hand portable lights); nonelectric lighting equipment, civilian type (such as: carbide, gasoline, and kerosene lamps and lanterns; nonelectric lighting equipment parts and accessories; and nonelectric lighting reflectors); lamp components, including cold cathode fluorescent lamp electrodes, electric lamp bases, and all electric lamp components except bulb blanks.

13. Domestic electric automatic controls for air conditioning, heating, and refrigeration.

14. Bottling machinery (except dairy).

15. Beauty and barber shop equipment (except products included in list A) such as: cold waving end wraps, processing caps and rods, hair clippers, lather mixers, permanent waving equipment and supplies, and manicure implements.

16. Clocks, clock cases, watches, and watchcases, including movements and parts.

17. Safety razors, blades, and blade magazines.

18. Electric dry shavers.

19. Electric fans (except industrial) other than types and sizes included in list A.

20. Home workshop machine tools and home woodworking machinery.

21. Stationery tablets, greeting cards, and related products; library and loose-leaf binders; lead pencils; pens, mechanical pencils, and pen points; paper clips; hand stamps; marking branding irons; marking dies; stamping and inking pads; stencil marking devices; and rubber and metal stamps.

22. Flat glass, except plate and sheet.

23. Brooms and brushes (except for types used in electric motors and generators).

24. Buttons and button parts (only machine-attached tack buttons, and rivets and burrs for the work clothing industry.)

25. Horse-drawn buggies, sleighs, and sulkies.

26. Vacuum bottles and jugs, one quart and under (other than silverware and plated ware type); lunch boxes for industrial and school use.

27. Religious jewelry, and religious, protective services, and military badges, insignia, decorations, emblems, and medals.

28. Commercial fishing tackle and gear.

29. Religious ware, including but not limited to altar vessels and communion ware.

NOTE: With respect to items in this List B, an "accessory" shall mean any product not specifically listed in List A or in List B of this order which is used with or attachable to an item described in this List B and which is generally known in the trade as an "accessory."

[F. R. Doc. 51-9128; Filed, Aug. 2, 1951; 5:12 p. m.]

Chapter XVIII — National Shipping Authority, Maritime Administration, Department of Commerce

[NSA Order 40 (DRO-30)]

DRO-30—RATES ON COAL IN BULK FROM HAMPTON ROADS, BALTIMORE OR PHILADELPHIA TO EIRE OR NORTHERN IRELAND

Sec.

1. What this order does.
2. Freight rates and charter terms and conditions required under "Warshipvoy" form of charter as revised August 15, 1944.

AUTHORITY: Sections 1 and 2 issued under sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114.

SECTION 1. *What this order does.* This order hereby authorizes the following freight rates and charter terms and conditions for the transportation of full cargoes of coal, in bulk, under "warshipvoy" form of charter as revised August 15, 1944, in vessels operated for account of the National Shipping Authority, from Hampton Roads, Baltimore or Philadelphia to a port of discharge in Eire or Northern Ireland, effective on vessels commencing to load on and after August 1, 1951.

SEC. 2. *Freight rates and charter terms and conditions required under "Warshipvoy" form of charter as revised August 15, 1944:*

[All rates in U. S. currency per ton of 2,240 pounds]

To—	Freight rate	Discharge rate
Eire	$10.70	1,000
Northern Ireland	10.15	1,500

NOTE: Foregoing rates apply to cargoes loaded at one port and discharged at one port; for more than one port of loading or discharge, within the same general area or range, add fifty cents (50c) U. S. currency per ton for each such additional port to the highest applicable rate, the total rate thus formed to apply on the entire cargo. Cargoes for more than one port of loading or discharge shall be subject to negotiation and mutual agreement between the owners and the charterers.

The following clauses are to be inserted in paragraphs E, F, G, H, and I of Part I of "Warshipvoy":

E. *Freight rate* (insert applicable rate as above set forth, including, if applicable, additions for extra ports of discharge).

Freight fully prepaid in the United States on bill-of-lading quantity and to be considered due and payable and earned on the cargo as taken aboard, vessel and/or cargo lost or not lost.

Demurrage. Charterers to pay demurrage at the rate of $------[1] per day for each and every day or pro rata for part of a day for all time used in loading or discharging in excess of allowed laytime.

Despatch. Despatch if earned at loading or discharging port will be payable at the rate of one-half (½) the demurrage rate per day or pro rata for part of a day for all laytime saved in loading or discharging.

F. *Stevedoring.* Loading and trimming expenses shall be for vessel's account; discharging expenses shall be for charterer's account.

G. *Loading time.* Loading to be at the rate of 1,500 tons per day, Sundays and holidays excepted unless used.

H. *Discharging time.* Cargo shall be discharged at the rate of three[2] tons per day, Sundays and holidays excepted unless used. Time lost in discharging due to weather preventing discharge shall not count as laytime.

I. *Special provisions.* 1. Charterers have the option of shipping not more than 250 tons of coke at the same rate of freight as the coal, charterers paying all additional expenses.

2. Any lightening required to enable vessel to reach her destination to be at charterer's risk and expense and time occupied to count as laytime.

3. General average clause: The adjustment and settlement of general average claims, pursuant to Clause 21, Part II, shall be governed by the York-Antwerp Rules of 1950, exclusive of Rule 22.

4. Wherever the words "United States Maritime Commission" appear in Part II hereof same shall be understood to mean National Shipping Authority.

5. This contract is subject to the approval of the National Shipping Authority.

C. H. McGUIRE,
Director,
National Shipping Authority.

[F. R. Doc. 51-9016; Filed, Aug. 3, 1951; 8:53 a. m.]

[NSA Order 41 (DRO-31)]

DRO-31—RATES ON COAL IN BULK FROM HAMPTON ROADS, BALTIMORE, OR PHILADELPHIA TO THE UNITED KINGDOM

Sec.
1. What this order does.
2. Freight rates and charter terms and conditions required under "Warshipvoy" form of charter as revised August 15, 1944.

AUTHORITY: Sections 1 and 2 issued under sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114.

SECTION 1. *What this order does.* This order hereby authorizes the following freight rates and charter terms and conditions for the transportation of full cargoes of coal, in bulk, under "WARSHIPVOY" form of charter as revised August 15, 1944, in vessels operated for account of the National Shipping Authority, from Hampton Roads, Baltimore, or Philadelphia to a port of discharge in the United Kingdom, effective on vessels commencing to load on and after August 1, 1951.

SEC. 2. *Freight rates and charter terms and conditions required under "Warshipvoy" form of charter as revised August 15, 1944:*

[All rates in U. S. currency per ton of 2,240 pounds]

To:	
Falmouth or Plymouth	$10.10
London	10.65
Aberdeen/Grimsby Range	10.90
All other United Kingdom	10.25

NOTE: Foregoing rates apply to cargoes loaded at one port and discharged at one port; for more than one port of loading or discharge, within the same general area or range, add fifty cents (50¢) U. S. currency per ton for each such additional port to the highest applicable rate, the total rate thus formed to apply on the entire cargo. Cargoes for more than one port of loading or discharge shall be subject to negotiation and mutual agreement between the owners and the charterers.

The following clauses are to be inserted in paragraphs E, F, G, H, and I of Part I of "Warshipvoy":

E. *Freight rate* (insert applicable rate as above set forth, including, if applicable, additions for extra ports of discharge).

Freight fully prepaid in the United States on bill-of-lading quantity and to be considered due and payable and earned on the cargo as taken aboard, vessel and/or cargo lost or not lost.

Demurrage. Charterers to pay demurrage at the rate of $------[1] per day for each and every day or pro rata for part of a day for all time used in loading or discharging in excess of allowed laytime.

Despatch. Despatch if earned at loading or discharging port will be payable at the rate of one-half (½) the demurrage rate per day or pro rata for part of a day for all laytime saved in loading or discharging.

F. *Stevedoring.* Loading and trimming expenses shall be for vessel's account; discharging expenses shall be for charterer's account.

G. *Loading time.* Loading to be at the rate of 1,500 tons per day, Sundays and holidays excepted unless used.

H. *Discharging time.* Cargo shall be discharged at the rate of 1,500 tons per day, Sundays and holidays excepted unless used. Time lost in discharging due to weather preventing discharge shall not count as laytime.

I. *Special provisions.* 1. Charterers have the option of shipping not more than 250 tons of coke at the same rate of freight as the coal, charterers paying all additional expenses.

2. Custom of the port to the contrary, it is agreed that in the event of the vessel being ordered to discharge at a port or berth which on arrival is inaccessible on account of insufficient water, and vessel is in all other respects ready to discharge, time shall still commence in accordance with Clause 10 of Part II hereof.

3. Any lightening required to enable vessel to reach her destination to be at charterer's risk and expense and time occupied to count as laytime.

4. If vessel is ordered to Purfleet Wharf, London, for discharge Master to arrange vessel's trim to arrive at discharging berth on even keel, as far as possible.

5. General average clause: The adjustment and settlement of general average claims, pursuant to Clause 21, Part II shall be governed by the York-Antwerp Rules of 1950, exclusive of Rule 22.

6. Wherever the words "United States Maritime Commission" appear in Part II hereof same shall be understood to mean National Shipping Authority.

7. This contract is subject to the approval of the National Shipping Authority.

C. H. McGUIRE,
Director,
National Shipping Authority.

[F. R. Doc. 51-9015; Filed, Aug. 3, 1951; 8:52 a. m.]

[NSA Order 42 (DRO-32)]

DRO-32—RATES ON COAL IN BULK BETWEEN HAMPTON ROADS, BALTIMORE OR PHILADELPHIA AND ITALY (INCLUDING PORTS ON THE ADRIATIC SEA)

Sec.
1. What this order does.
2. Freight rates and charter terms and conditions required under "Warshipvoy" form of charter as revised August 15, 1944.

AUTHORITY: Sections 1 and 2 issued under sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114.

SECTION 1. *What this order does.* This order cancels NSA Order No. 15 (DRO-10) and authorizes the following freight rates and charter terms and conditions for the transportation of full cargoes of coal, in bulk, under "Warshipvoy" form of charter as revised August 15, 1944, in vessels operated for account of the National Shipping Authority, from Hampton Roads, Baltimore or Philadelphia to a port of discharge in Italy or on the Adriatic Sea, effective on vessels commencing to load on and after August 1, 1951.

SEC. 2. *Freight rates and charter terms and conditions required under "Warshipvoy" form of charter as revised August 15, 1944:*

[All rates in U. S. currency per ton of 2,240 pounds]

To—	Freight rate	Discharge rate
Italy:		
Savona	$11.20	3,000
Genoa, Naples, Bagnoli, La Spozia, Leghorn, Civitaveccia or Porto Vecchio di Piombino	11.70	2,000
All other West Coast Italy, Sardinian, or Sicilian ports	12.10	1,500
Adriatic:		
Venice, Ancona, or Trieste	13.05	2,000
All other Adriatic Sea ports	13.45	1,500

NOTE: Foregoing rates apply to cargoes loaded at one port and discharged at one port; for more than one port of loading or discharge, within the same general area or range, add fifty cents (50¢) U. S. currency per ton for each such additional port to the highest applicable rate, the total rate thus formed to apply on the entire cargo. Cargoes for more than one port of loading or discharge shall be subject to negotiation and mutual agreement between the owners and the charterers.

The following clauses are to be inserted in paragraphs E, F, G, H, and I of Part I of "Warshipvoy":

E. *Freight rate* (insert applicable rate as above set forth, including, if applicable, additions for extra ports of discharge).

Freight fully prepaid in the United States on bill-of-lading quantity and to be considered due and payable and earned on the cargo as taken aboard, vessel and/or cargo lost or not lost.

[1] (Insert applicable demurrage rate, i. e., fifteen hundred dollars ($1,500) for Liberty type vessels and eighteen hundred dollars ($1,800) for Victory type vessels.)

[2] (Insert applicable rate of discharge as shown hereinabove under caption "Discharge rate.")

Demurrage. Charterers to pay demurrage at the rate of $_____[1] per day for each and every day or pro rata for part of a day for all time used in loading or discharging in excess of allowed laytime.

Despatch. Despatch if earned at loading or discharging port will be payable at the rate of one-half (½) the demurrage rate per day or pro rata for part of a day for all laytime saved in loading or discharging.

F. *Stevedoring.* Loading and trimming expenses shall be for vessel's account; discharging expenses shall be for charterer's account.

G. *Loading time.* Loading to be at the rate of 1,500 tons per day, Sundays and holidays excepted unless used.

H. *Discharging time.* Cargo shall be discharged at the rate of _____[2] tons per day, Sundays and holidays excepted unless used. Time lost in discharging due to weather preventing discharge shall not count as laytime.

I. *Special provisions.* 1. Charterers have the option of shipping not more than 250 tons of coke at the same rate of freight as the coal, charterers paying all additional expenses.

2. Charterer shall advise General Agent of the discharge range, i. e., West Coast of Italy including Sardinia and Sicily or Italian Adriatic, not later than 48 hours prior to vessel's expected readiness to load.

3. Any lightening required to enable vessel to reach her destination to be at charterer's risk and expense and time occupied to count as laytime.

4. General average clause: The adjustment and settlement of general average claims, pursuant to Clause 21, Part II shall be governed by the York-Antwerp Rules of 1950, exclusive of Rule 22.

5. Wherever the words "United States Maritime Commission" appear in Part II hereof same shall be understood to mean National Shipping Authority.

6. This contract is subject to the approval of the National Shipping Authority.

C. H. McGUIRE,
Director,
National Shipping Authority.

[F. R. Doc. 51-9014; Filed, Aug. 3, 1951; 8:52 a. m.]

[1] (Insert applicable demurrage rate, i. e., fifteen hundred dollars ($1,500) for Liberty type vessels and eighteen hundred dollars ($1,800) for Victory type vessels.)

[2] (Insert applicable rate of discharge as shown hereinabove under caption "Discharge Rate".)

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter F—Alaska Commercial Fisheries

PART 119—SOUTHEASTERN ALASKA AREA, EASTERN DISTRICT, SALMON FISHERIES

MISCELLANEOUS AMENDMENTS

Basis and Purpose. On the basis of observations and reports of field representatives of the Fish and Wildlife Service, members of the Industry and Alaska field personnel of the Bureau of Indian Affairs, it has been determined that the abundance of the early runs of pink salmon to the eastern side of Stephens Passage and Frederick Sound, from the latitude of Midway Island to Horn Cliffs, have adequately seeded the spawning beds of the streams in this area and the surplus can be permitted to be taken for commercial purposes without endangering the runs.

Therefore, in accordance with the authority cited, the following amendments are adopted effective only during the specified open season from 6 a. m. August 6 until 6 p. m. September 1, 1951:

(1) Section 119.7 is deleted.

(2) Section 119.9 is amended by adding the following paragraphs:

§ 119.9 *Areas open to traps.* * * *

(a) Mainland, east side of Stephens Passage: From 57 degrees 35 minutes 42 seconds north latitude, 133 degrees 37 minutes 8 seconds west longitude, to 57 degrees 36 minutes 52 seconds north latitude, 133 degrees 39 minutes 17 seconds west longitude.

(b) Mainland, east side of Stephens Passage: Within 2,500 feet of a point at 57 degrees 28 minutes 8 seconds north latitude, 133 degrees 30 minutes 42 seconds west longitude.

(c) Mainland, east side of Stephens Passage: Along the coast (1) within 2,500 feet of a point at 57 degrees 21 minutes 18 seconds north latitude, 133 degrees 26 minutes 37 seconds west longitude, and (2) within 2,500 feet of a point at 57 degrees 23 minutes 4 seconds north latitude, 133 degrees 27 minutes 42 seconds west longitude.

(d) Mainland, Frederick Sound: From a point on the south side of Fanshaw Bay at 133 degrees 32 minutes 27 seconds west longitude to Cape Fanshaw thence southeasterly to 133 degrees 29 minutes 57 seconds west longitude.

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

ALBERT M. DAY,
Director.

[F. R. Doc. 51-8976; Filed, Aug. 3, 1951; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 920]

IRISH POTATOES GROWN IN MASSACHUSETTS, RHODE ISLAND, CONNECTICUT, NEW HAMPSHIRE, AND VERMONT

NOTICE OF PROPOSED BUDGET AND RATE OF ASSESSMENT

Notice is hereby given that the Secretary of Agriculture is considering the approval of the budget and rate of assessment, hereinafter set forth, which were recommended by the New England Potato Committee, established pursuant to Order No. 20 (7 CFR 920), regulating the handling of Irish potatoes grown in the States of Massachusetts, Rhode Island, Connecticut, New Hampshire, and Vermont, issued under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed in triplicate with the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than 15 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 920.202 *Budget of expenses and rate of assessment.* (a) The expenses necessary to be incurred by the New England Potato Committee, established pursuant to Order No. 20, to enable such committee to carry out its functions pursuant to the provisions of the aforesaid order, during the fiscal year ending May 31, 1952, will amount to $16,000.00;

(b) The rate of assessment to be paid by each handler who first ships potatoes shall be one and one-half cent ($0.015) per hundredweight, of potatoes handled by him as the first handler thereof during said fiscal year; and

(c) The terms used in this section shall have the same meaning as when used in Order No. 20 (7 CFR Part 920).

(Sec. 5, 49 Stat. 753; as amended; 7 U. S. C. and Sup. 608c).

Done at Washington, D. C., this 1st day of August 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-8986; Filed, Aug. 3, 1951; 8:48 a. m.]

NOTICES

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 10017, 10018]

K9 PATROL BY KENNEDY DETECTIVE AGENCY AND ROLFE ARMORED TRUCK SERVICE, INC.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Bennett Thornton Kennedy, d/b as K9 Patrol By Kennedy Detective Agency, for construction permit, Docket No. 10017, File No. 179–C2–P–51; and Rolfe Armored Truck Service, Inc., for renewal of license in the domestic Public Land Mobile Radio Service at Miami, Florida, Docket No. 10018, File No. 971–C2–R–51.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 18th day of July 1951;

The Commission, having under consideration the applications of Bennett Thornton Kennedy, d/b as K9 Patrol by Kennedy Detective Agency, for authorization to construct a radio station to provide mobile radiocommunication service on the frequencies 152.15 Mc. and 158.61 Mc. in the Domestic Public Land Mobile Radio Service at Miami, Florida, and the application of Rolfe Armored Truck Service, Inc., for renewal of its existing license for station KIA956 to provide mobile radiocommunication service on the frequencies 152.15 Mc. and 158.61 Mc. in the Domestic Public Land Mobile Radio Service at Miami, Florida; and

It appearing, that, in accordance with the Commission's Report and Order in Dockets Nos. 8658, et al., dated April 27, 1949, and § 6.409 of the Commission's rules governing Public Radiocommunication Services (Other than Maritime Mobile), each frequency available for assignment in the Domestic Public Land Mobile Radio Service is normally assigned exclusively to a single applicant in any service area in order to permit the rendition of service on an interference-free basis, and that the above-entitled applications are mutually exclusive;

It is ordered, That, pursuant to the provisions of section 309 (a) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to be held at the offices of the Commission in Washington, D. C., beginning at 10:00 a. m. on the 24th day of September 1951; on the following issues:

(1) To determine the legal, technical, financial and other qualifications of Bennett Thornton Kennedy, d/b as K9 Patrol By Kennedy Detective Agency and Rolfe Armored Truck Service, Inc., respectively, to construct and operate the proposed radio stations.

(2) To determine the nature, type and scope of service proposed to be provided by each applicant.

(3) To determine the area which may be expected to receive service from each of the proposed stations and the need for such service in the area proposed to be served.

(4) To determine the facts with respect to the proposed facilities, personnel, rates, regulations, practices and services of each applicant for the furnishing of radiocommunication service in the Domestic Public Land Mobile Radio Service at Miami, Florida.

(5) To determine, in the light of the evidence on the foregoing issues, which applicant is better qualified to serve the public interest, convenience, or necessity.

(6) To determine, on a comparative basis, which, if either, of the applications in this proceeding should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51–8997; Filed, Aug. 3, 1951; 8:49 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Region I, Redelegation of Authority No. 1]

DIRECTORS OF DESIGNATED DISTRICT OFFICES, REGION I

REDELEGATION OF AUTHORITY TO AUTHORIZE MARKUPS IN EXCESS OF APPENDIX E OF CPR 7, AND TO PERMIT PRICING METHODS FOR SETS (GROUPS OF ARTICLES) TO WHICH SERVICES HAVE BEEN ADDED AND FOR REPAIRED OR RECONDITIONED ARTICLES

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. 1, pursuant to delegation of authority No. 5 (16 F. R. 3672) this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the Boston, Massachusetts, Springfield, Massachusetts, Providence, Rhode Island, and Manchester, New Hampshire, District Offices of the Office of Price Stabilization to authorize, by order, in accordance with section 39 (b) (3) of Ceiling Price Regulation 7, markups higher than those listed in Appendix E of that regulation.

2. Authority is hereby redelegated to the Directors of the Boston, Massachusetts, Springfield, Massachusetts, Providence, Rhode Island, and Manchester, New Hampshire, District Offices of the Office of Price Stabilization to permit, by order, in accordance with section 39 (c) (2) of Ceiling Price Regulation 7, sellers to add to the total net costs of the constituent articles of assembled sets (groups of articles) to which services have been added, the cost of the services provided and a markup in line with the level of prices established by that regulation.

3. Authority is hereby redelegated to the Directors of the Boston, Massachusetts, Springfield, Massachusetts, Providence, Rhode Island, and Manchester, New Hampshire District Offices of the Office of Price Stabilization to permit, by order, in accordance with section 39 (d) of Ceiling Price Regulation 7, sellers to add to the ceiling price established under that regulation the actual net cost of reconditioning or repairing the articles to be sold.

This redelegation of authority is effective as of July 27, 1951.

JOHN M. O'ROURKE,
Director of Regional Office No. I.

AUGUST 2, 1951.

[F. R. Doc. 51–9120; Filed, Aug. 2, 1951; 4:58 p. m.]

[Region I, Redelegation of Authority No. 2]

DIRECTORS OF DESIGNATED DISTRICT OFFICES, REGION I

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS PERTAINING TO CERTAIN FOOD AND RESTAURANT COMMODITIES

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. I, pursuant to delegation of authority No. 8 (16 F. R. 5659), as amended (16 F. R. 6640), this redelegation of authority is hereby issued.

1. Authority to act under sections 15 (c), 26a, 28a, and 28b of CPR 14, sections 26, 26a, 27, and 30 (b) of CPR 15, and sections 22 (b), 24, 24a, and 26 (b) of CPR 16. Authority is hereby redelegated to the Directors of the Boston, Massachusetts, Springfield, Massachusetts, Providence, Rhode Island, and Manchester, New Hampshire District Offices of the Office of Price Stabilization to act on all applications for price action and adjustment under the provisions of sections 15 (c), 26a, 28a, and 28b of CPR 14, sections 26, 26a, 27, and 30 (b) of CPR 15, and sections 22 (b), 24, 24a, and 26 (b) of CPR 16.

2. Authority to act under section 21a of CPR 15. Authority is hereby redelegated to the Directors of the Boston, Massachusetts, Springfield, Massachusetts, Providence, Rhode Island, and Manchester, New Hampshire, District Offices of the Office of Price Stabilization to act on all applications, price actions and adjustments under the provisions of section 21a of CPR 15.

This redelegation of authority is effective as of July 27, 1951.

JOHN M. O'ROURKE,
Director of Regional Office No. I.

AUGUST 2, 1951.

[F. R. Doc. 51–9118; Filed, Aug. 2, 1951; 4:57 p. m.]

[Region I, Redelegation of Authority No. 3]

DIRECTORS OF DESIGNATED DISTRICT OFFICES, REGION I

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS PERTAINING TO CERTAIN FOOD AND RESTAURANT COMMODITIES

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. I, pursuant to delegation of authority No. 13 (16 F. R. 6306) this redelegation of authority is hereby issued.

1. Authority to act under section 13 of CPR 11, as amended. Authority is hereby redelegated to the Directors of the Boston, Massachusetts, Springfield, Massachusetts, Providence, Rhode Island, and Manchester, New Hampshire, District Offices of the Office of Price Stabilization to act on all applications for price action and adjustment under the provisions of section 13 of CPR 11, as amended.

This redelegation of authority is effective as of July 28, 1951.

JOHN M. O'ROURKE,
Director Regional Office No. I.

AUGUST 2, 1951.

[F. R. Doc. 51-9119; Filed, Aug. 2, 1951; 4:57 p. m.]

[Region X, Redelegation of Authority No. 1]

DIRECTORS OF DISTRICT OFFICES, REGION X

REDELEGATION OF AUTHORITY TO AUTHORIZE MARKUPS IN EXCESS OF APPENDIX E OF CPR 7, AND TO PERMIT PRICING METHODS FOR SETS (GROUPS OF ARTICLES) TO WHICH SERVICES HAVE BEEN ADDED AND FOR REPAIRED OR RECONDITIONED ARTICLES

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. X, pursuant to Delegation of Authority No. 5 (16 F. R. 3672) this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the Little Rock, Arkansas, Tulsa, Oklahoma, Oklahoma City, Oklahoma, Shreveport, Louisiana, New Orleans, Louisiana, Lubbock, Texas, Fort Worth, Texas, Dallas, Texas, Houston, Texas, and San Antonio, Texas, District Offices of Price Stabilization to authorize, by order, in accordance with section 39 (b) (3) of Ceiling Price Regulation 7, markups higher than those listed in Appendix E of that regulation.

2. Authority is hereby redelegated to the Directors of the Little Rock, Arkansas, Tulsa, Oklahoma, Oklahoma City, Oklahoma, Shreveport, Louisiana, New Orleans, Louisiana, Lubbock, Texas, Fort Worth, Texas, Dallas, Texas, Houston, Texas, and San Antonio, Texas, District Offices of Price Stabilization to permit, by order, in accordance with section 39 (c) (2) of Ceiling Price Regulation 7, sellers to add to the total net costs of the constituent articles of assembled sets (groups of articles) to which services have been added, the cost of the services provided and a markup in line with the level of prices established by that regulation.

3. Authority is hereby redelegated to the Directors of the Little Rock, Arkansas, Tulsa, Oklahoma, Oklahoma City, Oklahoma, Shreveport, Louisiana, New Orleans, Louisiana, Lubbock, Texas, Fort Worth, Texas, Dallas, Texas, Houston, Texas, and San Antonio, Texas, District Offices of Price Stabilization to permit, by order, in accordance with section 39 (d) of Ceiling Price Regulation 7, sellers to add to the ceiling price established under that regulation the actual net cost of reconditioning or repairing the articles to be sold.

This redelegation of authority is effective as of July 26, 1951.

ALFRED L. SEELYE,
Director of Regional Office No. X.

AUGUST 2, 1951.

[F. R. Doc. 51-9117; Filed, Aug. 2, 1951; 4:57 p. m.]

[Region X, Redelegation of Authority No. 2]

DIRECTORS OF DISTRICT OFFICES, REGION X

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS PERTAINING TO CERTAIN FOOD AND RESTAURANT COMMODITIES

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. X, pursuant to Delegation of Authority No. 8 (16 F. R. 5659) and Delegation of Authority No. 8, Amendment 1 (16 F. R. 6640) this redelegation of authority is hereby issued.

1. Authority to act under sections 15 (c), 26a, 28a and 28b of CPR 14, sections 21a, 26, 26a, 27 and 30 (b) of CPR 15, and sections 22 (b), 24, 24a and 26 (b) of CPR 16. Authority is hereby redelegated to the Directors of Little Rock, Arkansas, Tulsa, Oklahoma, Oklahoma City, Oklahoma, Shreveport, Louisiana, New Orleans, Louisiana, Lubbock, Texas, Fort Worth, Texas, Dallas, Texas, Houston, Texas, and San Antonio, Texas, District Offices of the Office of Price Stabilization to act on all applications for price action and adjustment under the provisions of sections 15 (c), 26a, 28a and 28b of CPR 14, sections 21a, 26, 26a, 27 and 30 (b) of CPR 15, and sections 22 (b), 24, 24a and 26 (b) of CPR 16.

This redelegation of authority is effective as of July 26, 1951.

ALFRED L. SEELYE,
Director of Regional Office No. X.

AUGUST 2, 1951.

[F. R. Doc. 51-9116; Filed, Aug. 2, 1951; 4:57 p. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1701]

NEW YORK STATE NATURAL GAS CORP.

ORDER FIXING DATE OF HEARING

JULY 31, 1951.

On June 4, 1951, New York State Natural Gas Corporation (Applicant), a New York corporation having its principal place of business at New York City, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural-gas transmission pipeline facilities, all as more fully described in the application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition raising an issue of substance having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on June 21, 1951 (16 F. R. 5908).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on August 17, 1951, at 9:30 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: July 31, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-8974; Filed, Aug. 3, 1951; 8:46 a. m.]

[Docket No. G-1743]

SOUTHERN CALIFORNIA GAS CO. AND SOUTHERN COUNTIES GAS CO. OF CALIFORNIA

NOTICE OF APPLICATION

JULY 31, 1951.

Take notice that on July 13, 1951, Southern California Gas Company (Southern California), and Southern Counties Gas Company of California (Southern Counties), California corporations each having its principal place of business in Los Angeles, California, filed a joint application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing the construction and operation of approximately 23.5 miles of 30-inch transmission pipeline from the Crenshaw station on applicant's Texas pipeline to connect with the Goleta Pipeline at Lindley Avenue and Burbank Boulevard in Los Angeles, California. Applicants also request the Commission to certificate the route of the existing

30-inch pipeline between Rivera Junction and Crenshaw Station in Los Angeles.

Applicants propose to transport gas from the La Goleta storage field southward through the proposed facilities to the Los Angeles area during the winter, and northward from the Texas pipeline in the summer. Southern California will have a 75 percent interest and Southern Counties a 25 percent interest in the 11.7 miles of line between the Crenshaw and Mississippi Avenue Stations. The remaining 11.8 miles will be owned solely by Southern California.

The cost of the proposed facilities is estimated to be $2,611,875.

Applicants propose to finance this construction initially from funds on hand, and later to cover this investment in part by the sale of bonds and common stock.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 20th day of August 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-8972; Filed, Aug. 3, 1951; 8:46 a. m.]

[Docket No. G-1752]

NATURAL GAS PIPELINE CO. OF AMERICA

NOTICE OF APPLICATION

JULY 31, 1951.

Take notice that Natural Gas Pipeline Company of America (Applicant), a Delaware corporation, address, Chicago 6, Illinois, filed on July 25, 1951, an application for an order pursuant to section 7 (b) of the Natural Gas Act authorizing and approving the abandonment of its gas sales service to Chicago District Pipeline Company (Chicago District) and for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, as amended, authorizing the sale of natural gas directly to Public Service Company of Northern Illinois (Public Service), The Peoples Gas Light and Coke Company (Peoples Gas) and Northern Indiana Public Service Company (Northern Indiana).

Applicant presently sells and delivers natural gas to Chicago District which transmits and resells natural gas to Public Service, Peoples Gas and Northern Indiana. Chicago District has made application in Docket No. G-1643 to abandon the gas sales service which it now renders, and thereafter to render transportation service only to its present customers. Applicant in this proceeding proposes to abandon the sale for resale service which it now renders to Chicago District and to sell directly to Public Service, Peoples Gas and Northern Indiana that quantity of gas heretofore resold by Chicago District to those companies, and to continue to sell to Chicago District its fuel and unaccounted-for gas requirements. No new or additional facilities are proposed to be constructed by Applicant in connection with the proposed service.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 20th day of August 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-8973; Filed, Aug. 3, 1951; 8:46 a. m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

OFFICIALS IN HOUSING AND HOME FINANCE AGENCY

REVOCATION OF DELEGATION OF AUTHORITY WITH RESPECT TO ORDER M-4 OF THE NATIONAL PRODUCTION AUTHORITY

The delegation of authority to officials in the Housing and Home Finance Agency, with respect to Order M-4 of the National Production Authority, as amended, 16 F. R. 5720, 6008, is hereby revoked.

(Pub. Law 774, 81st Cong.; E. O. 10200, Jan. 3, 1951, 16 F. R. 61; Defense Production Administration Del. 1, May 15, 1951, 16 F. R. 4594; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; Dept. of Commerce Order 123, Sept. 28, 1950, 15 F. R. 6726; NPA Del. No. 14, June 7, 1951, 16 F. R. 5401)

Effective as of the 1st day of August 1951.

B. T. FITZPATRICK,
Acting Housing and Home Finance Administrator.

[F. R. Doc. 51-8998; Filed, Aug. 3, 1951; 8:49 a. m.]

OFFICIALS IN HOUSING AND HOME FINANCE AGENCY

DELEGATION OF AUTHORITY WITH RESPECT TO CMP REG. 6 OF THE NATIONAL PRODUCTION AUTHORITY

The authority of the Housing and Home Finance Administrator under Delegation No. 14 of the National Production Authority, as amended, July 11, 1951, to approve or disapprove construction schedules of prime contractors and related allotments of controlled materials for residential construction and in connection therewith to apply or assign to others the right to apply DO ratings and allotment numbers and symbols for procurement of materials and products other than controlled materials which are required for such construction, in accordance with the provisions of CMP Regulation No. 6, is hereby delegated as follows, subject to such other instructions or directions as the Administrator may deem advisable:

1. To the Public Housing Commissioner and his designated representatives with respect to the construction of multi-unit residential structures by federal, state, and local public agencies.

2. To the Federal Housing Commissioner and his designated representatives with respect to all other construction of multi-unit residential structures not included in Paragraph 1, hereof.

3. To the Director of the Defense Liaison Staff, (Division of Plans and Programs) of the Housing and Home Finance Agency with respect to the construction of any residential structure.

(Pub. Law 774, 81st Cong.; E. O. 10200, Jan. 3, 1951, 16 F. R. 61; Defense Production Administration Del. 1, May 15, 1951, 16 F. R. 4594; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; Dept. of Commerce Order 123, Sept. 28, 1950, 15 F. R. 6726; NPA Del. No. 14, as amended, July 11, 1951, 16 F. R. 6735)

Effective as of the 1st day of August 1951.

B. T. FITZPATRICK,
Acting Housing and Home Finance Administrator.

[F. R. Doc. 51-8999; Filed, Aug. 3, 1951; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26295]

CARBON ELECTRODES FROM FOSTORIA, OHIO, TO NEW YORK AND NEW JERSEY

APPLICATION FOR RELIEF

AUGUST 1, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to his tariff I. C. C. No. 3758, pursuant to fourth-section order No. 9800.

Commodities involved: Carbon electrodes, dry battery, carloads.

From: Fostoria, Ohio.

To: Brooklyn and New York, N. Y., and Jersey City, N. J.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-8969; Filed, Aug. 3, 1951; 8:48 a. m.]

[4th Sec. Application 26296]

CAUSTIC POTASH FROM CORPUS CHRISTI, TEX., TO EAST ST. LOUIS AND WOOD RIVER, ILL.

APPLICATION FOR RELIEF

AUGUST 1, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3967.

Commodities involved: Caustic potash, in solution, in tank-car loads.

From: Corpus Christi, Tex.

To: East St. Louis and Wood River, Ill.

Grounds for relief: Competition with rail carriers and market competition.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3967, Supp. 12.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-8988; Filed, Aug. 3, 1951; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2659]

SOUTHERN NATURAL GAS CO.

ORDER AUTHORIZING PROPOSED BORROWING FROM CERTAIN BANKING INSTITUTIONS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 31st day of July A. D. 1951.

Southern Natural Gas Company ("Southern"), a registered holding company, which is also engaged in the business of transporting natural gas, having filed a declaration and an amendment thereto with this Commission pursuant to section 7 of the Public Utility Holding Company Act of 1935 ("Act") regarding the following transactions:

Southern proposes to enter into a Loan Agreement with The Chase National Bank of the City of New York and certain other banks, pursuant to which it proposes to borrow an aggregate principal amount of $5,500,000 on or prior to September 4, 1951, and to issue its notes in evidence thereof. The notes evidencing the loans are to be payable two years after the respective dates of the loans and are to bear interest from such dates at the rate of 2¾ percent per annum for the first year and thereafter, until maturity, at the rate of 2¾ percent per annum or a rate which shall be ¼ of 1 percent above the prime commercial rate of The Chase National Bank of the City of New York for unsecured loans (whichever shall be greater) but in no event more than 3 percent per annum.

Southern proposes to use the proceeds from the above mentioned loans, together with other funds, toward its construction program for 1951 estimated at approximately $16,520,000

Southern states that during the year 1952 it will undertake the construction of further substantial additions and extensions to its system and, in connection therewith, will require a substantial amount of additional funds and that a major financial program will be undertaken sometime in 1952, in which provision will be made for the payment of the proposed notes. Southern further states that upon completion of its 1951 construction program, the net amount of unfunded property additions would amount to more than $11,000,000, an amount sufficient for the issuance of First Mortgage Bonds (at 60 percent under the provisions of the company's Indenture) in a principal amount of more than $6,600,000 and that if the contemplated financing program is not consummated prior to the maturity of the proposed notes, the notes could be paid from the proceeds of First Mortgage Bonds issued on the basis of 1951 property additions.

The declarant states that no fees, commissions or remunerations are to be paid in connection with the issuance of the notes and estimates its miscellaneous expenses at approximately $1,000.

Said declaration having been filed on June 28, 1951, and an amendment thereto having been filed on July 23, 1951, and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to the act, and the Commission not having received a request for a hearing with respect to said declaration, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that said declaration, as amended, satisfies the requirements of the applicable provisions of the Act and the Rules and Regulations thereunder and finding no basis for making adverse findings, and deeming it appropriate in the public interest and in the interest of investors and consumers that the declaration, as amended, be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the Act that said declaration, as amended, be and the same hereby is, permitted to become effective forthwith subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-8975; Filed, Aug. 8, 1951; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 18250]

MASAKAZU HATTORI

In re: Real property owned by Masakazu Hattori, also known as Masakasu William Hattori and as William Masakasu Hattori. F-39-6267.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Masakazu Hattori, also known as Masakasu William Hattori and as William Masakasu Hattori, whose last known address is No. 521 Rokkakubashi-machi, Kanagawa-ku, Yokohama, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Real property situated in the County of San Joaquin, State of California, particularly described as "commencing in the center of Section 64 of Weber Grant, thence South 1655', East 377 feet from point of beginning; thence West 1143.3 feet; thence South 381 feet; thence North 381 feet to the point of beginning, containing 9.83 acres, more or less," together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits, or other payments arising from the ownership of such property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of a designated enemy country, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 31, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-9002; Filed, Aug. 3, 1951; 8:50 a. m.]

[Vesting Order 18252]

ALFRED RAYMOND RAFF AND NORTH PHILADELPHIA TRUST CO.

In re: Trust agreement dated February 24, 1933, between Albert Raymond Raff, Trustor, and North Philadelphia Trust Company of Philadelphia, Pennsylvania, Trustee. File No. D-28-13025-G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Louise Rapp, Christian Hahn Rittelhof, Else Raff Leichler, Kandline Ruckh, Pauline Raff, Adolphus Raff, and the Family of Mary Werner, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to and arising out of or under that certain trust agreement dated February 24, 1933, by and between Albert Raymond Raff, Trustor, and North Philadelphia Trust Company of Philadelphia, Pennsylvania, Trustee, presently being administered by North Philadelphia Trust Company, Broad Street and Germantown Avenue Above Erie Avenue, Philadelphia 40, Pennsylvania,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 31, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-9004; Filed, Aug. 3, 1951; 8:50 a. m.]

[Vesting Order 18257]

ANNA SCHAFHEITLIN

In re: Debts owing to Anna Schafheitlin also known as Anna M. Schafheitlin. F-28-1817-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Schafheitlin also known as Anna M. Schafheitlin, whose last known address is (21a) Dutzen, Krs. Minden i. W. Lubbeckerstr. 100, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations evidenced by Notes drawn by, dated and in the principal sums as set forth below:

Drawer	Date	Principal sum
Adelene Bowie	Mar. 2, 1933	$200.00
F. B. Schafheitlin	Jan. 30, 1939	100.00
Do	Apr. 10, 1939	50.00

said notes presently in the custody of the Attorney General of the United States, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, and any and all accruals thereto, together with any and all rights in, to and under said notes,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 31, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-9009; Filed, Aug. 3, 1951; 8:51 a. m.]

[Vesting Order 18254]

CERTAIN GERMAN NATIONALS

In re: Scrip certificate owned by German nationals whose names are unknown. F-28-24581-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the property described in subparagraph 3 hereof is being held by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, for the account of Anglo Dutch Banking & Trading Company, The Hague, Netherlands;

2. That although the names of the owners of the property described in subparagraph 3 hereof are not available, such persons, who, if individuals, there is reasonable cause to believe are residents of Germany and, if partnerships, corporations, associations or other business organizations, there is reasonable cause to believe are organized under the laws of, or have or, on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in Germany, are nationals of a designated enemy country (Germany);

3. That the property described as follows: One (1) Scrip Certificate for 8/15ths of one share of stock of Public Service Company of Indiana, presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in a blocked account entitled, "The Chase National Bank of the City of New York as custodian for Anglo Dutch Banking & Trading Company, The Hague, Netherlands", account numbered F86017, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the persons referred to in subparagraph 2 hereof, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate

consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 31, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-9006; Filed, Aug. 3, 1951; 8:50 a. m.]

[Vesting Order 18256]

IMPERIAL JAPANESE GOVERNMENT

In re: Cash and personal property owned by the Imperial Japanese Government. D-39-19327.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the Japanese Financial Commission, the last known address of which is 120 Broadway, New York, New York, is an agency or instrumentality of a designated enemy country (Japan);

2. That the property described as follows:

a. The sum of $274.31, representing amount of $5.00, $250.00, $9.24 and $10.07 contained in separate envelopes, presently in the custody of Edward Feldman, Special Deputy Superintendent, State of New York Banking Department, New York, New York, in an account entitled "Yokohama Specie Bank, Ltd.,—Japanese Financial Commission", and

b. Those certain articles of personal property presently in the custody of Edward Feldman, Special Deputy Superintendent, State of New York Banking Department, in an account entitled "Yokohama Specie Bank, Ltd.—Japanese Financial Commission", and particularly described as follows:

Number of articles:	*Description of property*
One (1)	Large bronze trophy.
One (1)	Small silver trophy.
One (1)	Belt buckle.

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by a designated enemy country (Japan);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 31, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-9008; Filed, Aug. 3, 1951; 8:50 a. m.]

[Vesting Order 18255]

GESELLSCHAFT FUER ELEKTRISCHE UNTERNEHMUNGEN

In re: Debt owing to Gesellschaft fuer Elektrische Unternehmungen, also known as "Gesfurel". D-28-10621-G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gesellschaft fuer Elektrische Unternehmungen, also known as "Gesfurel", the last known address of which is 35/36 Dorotheenstrasse, Berlin N. W. 7, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8399, as amended, has had its principal place of business in Berlin, Germany, and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of The Chase National Bank of the City of New York, 18 Pine Street, New York 15, N. Y. arising out of cash held by the aforesaid, The Chase National Bank of the City of New York, as Paying Agent, for payment of unpresented coupons, maturing between June 1, 1932 and June 1, 1933, both dates inclusive, detached from and/or appurtenant to the Gesellschaft fuer Elektrische Unternehmungen 6 Percent Sinking Fund Gold Debentures due June 1, 1953, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of or owing to, or which is evidence of ownership or control by, Gesellschaft fuer Elektrische Unternehmungen, also known as "Gesfurel", the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 31, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-9007; Filed, Aug. 3, 1951; 8:50 a. m.]

LIBRAIRIE HACHETTE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Librairie Hachette, 79 Boulevard Saint Germain, Paris 6eme, France; Claim No. 41876; $26,459.89 in the Treasury of the United States. Property to the extent owned by the claimant immediately prior to the vesting thereof by Vesting Order No. 3430 (9 F. R. 6464, June 13, 1944) relating to the following works: The Babar books by de Brunhoff; L'Avare and Le Bourgeois Gentilhomme by Moliere; Le Gendre de M. Poirer by Augier and Sandeau; Les Oberle by Bazin; Histoire de France by Malet; and Le Voyage de Monsieur Perrichon by Labiche and Martin.

Executed at Washington, D. C., on July 31, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-9011; Filed, Aug. 3, 1951; 8:51 a. m.]